The Library of Congress'

***EARLY STATE RECORDS PROJECT***

converted from the original microfilm held by the
Vincent C. Immel Law Library, Saint Louis University

through the generous support of a grant from the

Council on Library and Information Resources

# JOURNAL

OF THE

# PROCEEDINGS OF THE COUNCIL

OF THE

# TERRITORY OF WASHINGTON,

OF THE

## SESSION OF THE LEGISLATIVE ASSEMBLY

BEGUN AND HELD

AT OLYMPIA, THE SEAT OF GOVERNMENT, UPON THE FIRST MONDAY OF OCTOBER, 1871

---

OLYMPIA:
PROSCH & McELROY, PRINTERS.
1871.

# JOURNAL

OF THE

# PRCEEDINGS OF THE COUNCIL.

---

COUNCIL CHAMBER,
*Monday, October* 2, 1871.

This being the day prescribed by law for the meeting of the Legislative Assembly of Washington Territory, the members elect of the Council convened in the Council Chamber at the Capitol, at 2 o'clock P. M., and were called to order by C. B. Bagley, secretary of the Council at its last session.

Upon the roll being called, the following members answered to their respective names:

*Kitsap and King Counties,*—Joseph Foster.

*Jefferson and Clalm Counties,*—G. V. Calhoun.

*Pierce, Chehalis and Mason Counties,*—John McReavy.

*Thurston and Lewis,*—E. L. Smith.

*Clarke, Cowlitz, Wahkiakum and Pacific,*—Wm. Huntington.

*Walla Walla and Stevens,*—H. D. O'Bryant.

*Island, Whatcom and Snohomish,*—H. A. Smith.

*Walla Walla,*—Daniel Stewart.

*Clarke, Skamania, Klikitat and Yakima,*—E. S. Joslyn.

On motion of Mr. Calhoun,

The Rev. J. R. Thompson was invited to open the Council by prayer.

On motion of Mr. Smith of Thurston,

A temporary organization was effected by the election of Mr. E. S. Joslyn, President, and N. S. Porter, Chief Clerk, *pro tem.*

On motion of Mr. Huntington,

James M. Hays was elected Assistant Clerk, *pro tem.*

On motion of Mr. Smith of Snohomish,

R. L. Doyle was elected Sergeant-at-Arms, *pro tem.*

On motion of Mr. Calhoun,

Benjamin Pettygrove was elected Doorkeeper, *pro tem.*

On motion of Mr. Smith of Snohomish,

Miss Annie F. Tuck was elected Enrolling Clerk, *pro tem.*

On motion of Mr. Smith of Thurston,

Rev. J. R. Thompson was elected Chaplain, *pro tem.*

On motion of Mr. Smith of Thurston,

A committee on credentials, consisting of three, was appointed. The President announced Messrs. Smith, of Snohomish, McReavy and Calhoun as said committee.

On motion of Mr. Smith of Snohomish,

The Council adjourned until to-morrow morning at 10 o'clock.

N. S. PORTER,
*Chief Clerk pro tem.*

COUNCIL CHAMBER,
*Tuesday, Oct.* 3, 1871.

Council met pursuant to adjournment.

Mr. President in the chair.

On calling the roll the following members answered to their names:

Messrs. Huntington, Smith of Thurston, Smith of Snohomish, and Mr. President.

Absent—Messrs. Calhoun, Foster, McReavey, O'Bryant and Stewart.

There being no quorum present,

On motion of Mr. Huntington,

The Council adjourned until 10 o'clock to-morrow morning.

N. S. PORTER,
*Chief Clerk pro tem.*

---

COUNCIL CHAMBER,
*Wednesday, Oct.* 4, 1871.

Council met pursuant to adjournment.

Mr. President in the chair.

On calling the roll the following members answered to their names:

Messrs. Calhoun, Foster, Huntington, McReavy, O'Bryant, Smith of Thurston, Smith of Snohomish, Stewart and Mr. President.

Prayer by the Chaplain.

Journals of Monday and Tuesday read and approved.

Mr. Smith of Snohomish, chairman of committee on credentials, submitted the following report:

MR. PRESIDENT—

Your committee on Credentials have instructed me to report the following named gentlemen as entitled to seats in the Council at the present session of the Legislative Assembly of the Territory of Washington:

*Walla Walla County*,—Daniel Stewart.

*Walla Walla and Stevens*,—H. D. O'Bryant.

*Clarke, Skamania, Klikitat and Yakima*,—E. S. Joslyn.

*Cowlitz, Clarke, Wahkiakum and Pacific*,—Wm. Huntington.

*Thurston and Lewis*,—E. L. Smith.

*King and Kitsap*,—Joseph Foster.

*Pierce, Mason and Chehalis*,—John McReavey.

*Island, Whatcom and Snohomish*,—H. A. Smith.

*Jefferson and Clalm*,—G. V. Calhoun.

H. A. SMITH,
*Chairman Committee on Credentials.*

On motion of Mr. Foster,

Report was adopted.

On motion of Mr. Calhoun,

The Secretary of Washington Territory was invited within the bar to administer the oath of office to the members elect. The members of the Council then took the oath of office prescribed by law.

On motion of Mr. Smith of Thurston,

The Council adjourned until three o'clock P. M.

N. S. PORTER,
*Chief Clerk pro tem.*

COUNCIL CHAMBER,
*Wednesday, October* 4, 1871,
3 O'CLOCK P. M.

Council called to order.

Mr. President in the chair.

On calling the roll the following members answered to their names:

Messrs. Calhoun, Foster, Huntington, McReavy, O'Bryant, Smith of Thurston, Smith of Snohomish, Stewart and Mr. President.

Mr. Huntington moved that the temporary organization be declared permanent except that the name of H. A. Smith, of Snohomish, be substituted as President.

Mr. Stewart moved to amend by inserting the name of Elwood Evans instead of N. S. Porter.

The ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Calhoun, Foster, O'Bryant, McReavey and Stewart—5.

Those in the negative were

Messrs. Huntington, Smith of Thurston, Smith of Snohomish, and Mr. President—4.

Amendment adopted.

Mr. Calhoun moved to amend by inserting the name of N. S. Porter as Assistant Clerk.

No second.

Question recurring upon the original motion of Mr. Huntington as amended by Mr. Stewart, the ayes and noes were called:

Those voting in the affirmative were

Messrs. Calhoun, Foster, Huntington, McReavey, O'Bryant and Smith of Snohomish—6.

Those voting in the negative were

Messrs. Joslyn, Smith of Thurston, and Stewart—3.

Motion, as amended, carried.

On motion of Mr. Foster,

A committee of three was appointed to conduct the President elect to the chair.

Messrs. Foster, Huntington and Smith of Thurston, were announced as such committee.

The President upon assuming the chair, appropriately thanked the Council for the honor conferred.

On motion of Mr. McReavy,

The Secretary of the Territory was invited to administer the oath of office to officers elect.

On motion of Mr. Joslyn,

The Sergeant-at-Arms was instructed to call upon the Secretary of this Territory, and secure necessary postage stamps for use of the Council.

On motion of Mr. Joslyn the rules of the last session of the Council were adopted as the temporary rules of the present session.

The Territorial Secretary appearing, duly administered the oath of office to the officers elect of the Council.

On motion of Mr. Foster,

The Council adjourned until 10 o'clock tomorrow morning.

ELWOOD EVANS,
*Chief Clerk.*

---

COUNCIL CHAMBER,
*Thursday Oct.* 5, 1871.

Council met pursuant to adjournment.

Mr. President in the chair.

On calling the roll the following members answered to their names:

Messrs. Calhoun, Foster, Huntington, Joslyn, McReavy, O'Bryant, Smith of Thurston, Stewart and Mr. President.

Prayer by the Chaplain.

Journal of Wednesday read and approved.

On motion of Mr. Smith of Thurston,

The clerk was instructed to inform the House that the Council was permanently organized and ready to proceed to business.

Message from the House by their Chief Clerk, in the following words:

HOUSE OF REPRESENTATIVES,
*October* 5, 1871.

MR. PRESIDENT—

I am instructed by the House of Representatives to inform the Council that the House has effected a permanent organization by the election of

J. J. H. Van Bokkelen, *Speaker;*
W. S. Baxter, *Chief Clerk;*
W. Byron Daniels, *Assistant Clerk;*
A. B. Young, *Enrolling Clerk;*
Rev. A. C. Fairchilds, *Chaplain;*
David P. Wallace, *Sergeant-at-arms;*
David Helsler, *Doorkeeper;*
And is now ready for the transaction of business.

W. S. BAXTER,
*Chief Clerk.*

Mr. Smith of Thurston introduced

C. J. R. No. 1—Relative to waiting upon the Governor.

*Resolved by the Council, the House concurring,* That a joint committee, consisting of three members from the House and two from the Council, be appointed to wait upon his Excellency the Governor, and inform him that the Legislative Assembly is now organized and ready to receive any communication he may be pleased to make.

Resolution read first time.

On motion of Mr. Smith,

Rules were suspended and resolution read a second time by title.

On motion of Mr. Smith,

The rules were further suspended, resolution read third time and unanimously passed.

On motion of Mr. Smith,

The clerk was instructed to report forthwith to the House the passage of the same.

The President announced the Standing Committees as follows:

JUDICIARY.

Messrs. Smith, McReavy and Joslyn.

COMMERCE.

Messrs. Huntington, Stewart and Foster.

MILITARY AFFAIRS.

Messrs. O'Byant, Huntington and Stewart.

EDUCATION.

Messrs. Calhoun, McReavy and Smith.

AGRICULTURE.

Messrs. McReavy, Stewart and O'Bryant.

ELECTIONS.

Messrs. Joslyn, O'Bryant and Smith.

FEDERAL RELATIONS.

Messrs. Calhoun, Huntington and O'Bryant.

WAYS AND MEANS.

Messrs. Smith, Calhoun and Joslyn.

ENROLLED BILLS.

Messrs. McReavy, Joslyn and Huntington.

PRINTING.

Messrs. Joslyn, Smith and O'Bryant.

CORPORATIONS.

Messrs. Stewart and O'Bryant.

ENGROSSED BILLS.

Messrs. Foster, Huntington and Calhoun.

TERRITORIAL LIBRARY.

Messrs. Foster, Huntington and Stewart.

PUBLIC BUILDINGS.

Messrs. Stewart, McReavy and Joslyn.

CLAIMS.

Messrs. Calhoun, Foster and Joslyn.

MEMORIALS.

Messrs. Huntington, Foster and Stewart.

ROADS AND HIGHWAYS.

Messrs. O'Bryant, Foster and Joslyn.

MINING.

Messrs. Huntington and Calhoun.

COUNTIES.

Messrs. Smith, Huntington and Foster.

RULES AND ORDERS.

Messrs. Stewart, Calhoun and Smith.

On motion of Mr. Joslyn,

The committee on printing was instructed to procure the printing of 50 copies of the said standing committees.

The following message was received from the House by their clerk:

HOUSE OF REPRESENTATIVES,
*October* 5, 1871.

MR. PRESIDENT:

I am instructed by the House to inform the Council of the passage of

C. J. R. No. 1, relative to waiting upon the Governor.

The following are the names of the committee appointed by the House:

Messrs. Moore, Brazee and Winans.

W. S. BAXTER,
*Chief Clerk.*

And thereupon the President announced the appointment of Messrs. Calhoun and Foster as committee on the part of the Council under said C. J. R. No. 1, as to waiting upon the Governor.

On motion of Mr. McReavy,

The clerk was instructed to report such appointment to the House of Representatives.

Mr. Joslyn introduced C. J. R. No. 2, which is as follows:

*Resolved by the Council, the House concurring,* That the standing committee on rules and orders of the Council, together with a like committee from the House, be and the same are hereby instructed to report to their respective Houses at as early a day as practicable, joint rules for the government of both Houses.

Resolution read first time.

On motion of Mr. Joslyn,

Rules were suspended and resolution read a second time.

On motion of Mr. Joslyn,

Rules were suspended, resolution was read a third time and unanimously passed.

On motion of Mr. Smith,

Council took a recess for 30 minutes.

Upon again calling to order, Mr. Calhoun from the joint committee to wait upon his Excellency, the Governor, made report that they had performed the duty, and that the Governor would be ready to deliver a message to the Legislative Assembly, in joint session, this afternoon at two o'clock.

Report received and committee discharged.

On motion of Mr. Smith,

Council adjourned until 2 o'clock P. M.

ELWOOD EVANS,
*Chief Clerk.*

## AFTERNOON SESSION.

COUNCIL CHAMBER,
*Thursday, October* 5, 1871,
2 O'CLOCK P. M.

Roll called.

Present—Messrs. Calhoun, Foster, Huntington, Joslyn, McReavy, O'Bryant, Smith of Thurston, Stewart, and Mr. President.

The following message was received from the House by their chief clerk:

HOUSE OF REPRESENTATIVES,
*Thursday, October* 5, 1871.

MR. PRESIDENT—

I am instructed to inform the Council that the House is now prepared to receive the Council in joint convention, within the bar of the House, to hear the Governor's message.

W. S. BAXTER,
*Chief Clerk.*

On motion of Mr. Calhoun,

The Council now proceeded to the Hall of the House of Representatives, to meet in joint convention with the House, to hear the Governor's message, and the following proceedings were had in said joint convention:

## JOINT CONVENTION.

The Council having repaired to the hall of the House of Representatives, the joint convention was called to order by the President of the Council.

Upon calling the roll the following members answered to their names:

Council—Messrs. Calhoun, Foster, Huntington, Joslyn, McReavy, O'Bryant, Stewart, Smith of Thurston, and Mr. President—9.

House—Messrs. Abbott, Brazee, Barstow, Bigelow, Brewer, Cock, Campbell, Coupe, Cline, Finkbonner, Gray, Gosnell,

Hovey, Hinkley, Judson, Kerns, Lloyd, Maxwell, Maxon, Moore, McConaha, Noyes, Ping, Scott, Sinclair, Winans, Whetstone and Mr. Speaker—28.

On motion of Mr. Smith, of Thurston,

A committee of five was appointed, consisting of two from the Council and three from the House, to wait upon his Excellency the Governor, and inform him that the two houses are in joint convention, prepared to hear his message.

The President appointed Messrs. Smith, of Thurston, and Calhoun, on the part of the Council, and Messrs. Winans, Brazee and Moore of the House.

The Governor arriving with the committee, proceeded to deliver his message.

The business for which the joint convention was called together, having been transacted, the President announced that the joint convention was dissolved and thereupon the Council returned to their chamber.

The Council having returned to its chamber, was called to order.

Mr. President in the chair.

Roll called and all the members present.

On motion of Mr. McReavy,

The committee on printing was instructed to have 2500 copies of the Governor's message printed for the use of the Council.

On motion of Mr. Calhoun,

The Council adjourned until 10 o'clock A. M. to-morrow.

ELWOOD EVANS,
*Chief Clerk.*

COUNCIL CHAMBER,
*Friday, October* 6, 1871.

Council met pursuant to adjournment.

Mr. President in the chair.

Roll called.

Present—Messrs. Calhoun, Foster, Huntington, Joslyn, McReavy, O'Bryant, Smith of Thurston, Stewart and Mr. President.

Prayer by the Chaplain.

Journal of Thursday read and approved.

Mr. Smith of Thurston introduced

C. J. R. No. 3—Relative to the condition of the Territorial insane asylum and Territorial penitentiary.

Resolution read first time.

On motion of Mr. Smith,

The rules were suspended, resolution read a second time by title.

On motion of Mr. McReavy,

Resolution read a third time and unanimously passed.

On motion of Mr. Smith of Thurston,

The clerk was instructed to report forthwith to the House the passage of said resolution.

Mr. Smith of Thurston moved that when the Council adjourns that it adjourn until Monday at 2 o'clock P. M.

Motion carried.

On motion of Mr. Foster,

The report of the Territorial librarian was read by the clerk and five hundred copies of the same ordered printed for the use of the Council.

On motion of Mr. Smith of Thurston,

The same report was referred to the Committee on Territorial Library.

Message from the House by their chief clerk, in the words following:

HOUSE OF REPRESENTATIVES,
*October* 6, 1871.

MR. PRESIDENT:

I am instructed by the House to inform the Council of the passage by the House of the following:

C. J. R. No. 3—Relative to the condition of the Territorial insane asylum and Territorial penitentiary.

W. S. BAXTER,
*Chief Clerk.*

And thereupon the President announced the appointment of Messrs. Huntington and McReavy as committee on the part of the Council under said C. J. No. 3, relative to the condition of the Territorial insane asylum and penitentiary.

On motion of Mr. Smith of Thurston,

The clerk was instructed to report such appointment to the House of Representatives.

The following message was received from the House by their clerk:

HOUSE OF REPRESENTATIVES,
*October* 6, 1871.

MR. PRESIDENT—

I am instructed by the House to inform the Council that Messrs. Lloyd, Brazee and Coupe have been appointed by the House to act in conjunction with the committee from the Council under C. J. R. No. 3, relative to inspecting insane asylum and Territorial penitentiary.

W. S. BAXTER,
*Chief Clerk.*

Mr. Joslyn moved to reconsider the motion concerning the report of the Territorial librarian.

Motion lost.

On motion of Mr. Smith of Thurston,

The motion designating the time to which the Council adjourns was reconsidered.

Mr. Smith then moved that when Council adjourns it shall be until Wednesday next at 2 o'clock P. M.

Motion carried.

On motion of Mr. Foster,

The President of the Council was requested to furnish a report of his remarks upon assuming the chair.

On motion of Mr. Joslyn,

Council adjourned.

ELWOOD EVANS,
*Chief Clerk.*

---

COUNCIL CHAMBER,
*Wednesday October* 11, 1871.

Council met pursuant to adjournment.

Mr. President in the chair.

Roll called.

Present—Messrs. Calhoun, Foster, Huntington, Joslyn, McReavy, O'Bryant, Smith of Thurston, Stewart and Mr. President.

Prayer by the Chaplain.

Journal of Friday read and approved.

The President, as requested by the vote of the Council, submitted his remarks, which,

On motion of Mr. Stewart,

Were ordered to be spread at length upon the journal. The said inaugural is as follows:

## REMARKS OF PRESIDENT SMITH.

*Gentlemen of the Council:*

Custom has made it almost incumbent on the presiding officer of either branch of a Legislative body to make a few introductory remarks before entering upon the active duties of office.

After tendering you my thanks for the distinguished and highly appreciated compliment that you have just now paid me, I have very little to offer. One or two thoughts, however, suggest themselves to my mind at this moment with considerable force, and they might almost be expressed in the single word harmony. It is certainly desirable that the deliberations of a Legislative body should be characterized by calm, deliberate action, moderation, personal forbearance and a manifest disposition to sacrifice personal preferences to the public good. Members may not, it is true, always be able to govern every ebulition of feeling that may arise during earnest debate, and especially not while pet measures are being handled without gloves; but we should remember that we are only agents for the people, that each member is acting for his own constituency separately, and for all the people of the Territory collectively, and not for himself individually, and that however much personal considerations may dispose him to favor measures the success of which other members may have especially at heart, yet duty to self and to his own constituency may leave him no choice, may compel him, in his own judgment at least, to array himself against it. We will all, no doubt, often times be wrong in our judgment of the real merits and the expediency of measures, for no one can always be right; and then our duties will often be so multifarious that it will not be possible for me to give every measure that may come before us the thorough consideration its nature may demand, and this augments our liability to err. We will do well to constantly bear in mind that the simple fact of others differing from us in opinion is no evidence whatever that they are wrong and that we are right, to presume so would be to presume ourselves infallible and all others fallible. Men are not organized alike mentally, and

never reason or believe just alike; belief itself is not the result of voluntary volition, but is always the result of evidence. We cannot believe any proposition, theory or fact to be true until furnished a sufficient amount of reasonable evidence to satisfy us of its truthfulness; and owing to mental idiosyncrasies, evidence that is convincing to one mind, often has little or no influence with another mind. We should, therefore, be abundantly charitable for unavoidable differences of opinion, and should strive, by sound argument and convincing evidence, to satisfy others of the correctness of our own views rather than censure them for entertaining adverse ones, and this charitableness of sentiment should extend to political as well as to other disparities of opinion. Political unanimity is not to be expected in a legislative body or out of it, and would not, perhaps, be desirable, since free and untrameled discussion is the aegis of civil and political liberty, and without diversity of views there would be no discussion; but there is always danger of honest political differences degrading into personal and party animosities, thus often causing the fate of measures to depend more upon the political complexion of the person introducing them than upon any real merits or demerits of the measures themselves, which is the plague spot at the heart of modern legislation, and is evidently one of old Parson Brownlow's "butt ends of original sin." A proper respect for the opinions of others, a careful avoidance of personalities, a constant exercise of that greatest of virtues charity, for the faults and blunders of others, will go far toward preventing this evil and securing that harmony so essential to a faithful rendering of the important trusts reposed in us by the people.

In conclusion, gentlemen of the Council, I ask your charitable forbearance for the many faulty rulings which will, no doubt, be made by the chair, and you will, I feel confident, do me the simple justice to attribute them to the head instead of the heart, for I assure you that my highest ambition will be to faithfully discharge my duty and my whole duty, irrespective of consequences. Hoping that we may realize that legislative harmony

and fraternal amity throughout the entire session that present auspices seem so highly to warrant, I again tender you my thanks and announce the Council ready to proceed to business.

On motion of Mr. Smith, of Thurston,

So much of the Governor's message as relates to finance and the indebtedness of the Territory, was referred to the committee on Ways and Means.

So much as relates to the Territorial library was referred to committee on Territorial Library.

So much as relates to education and creation of a Territorial superintendent was referred to the committee on Education.

So much as relates to the reports of the supreme court, special terms of court, &c., was referred to committee on Judiciary.

So much as relates to lumber and manufactures was referred to committee on Commerce.

So much as relates to mineral wealth was referred to committee on Mining.

So much as relates to the Northern Pacific railroad was referred to committee on Roads and Highways.

So much as relates to the insane asylum and penitentiary was referred to committee on Public Buildings.

So much as refers to the question of immigration was referred to a special committee of three.

The President appointed Messrs. Smith, O'Bryant and Huntington on the select committee on immigration.

On motion of Mr. McReavy,

Council adjourned until to-morrow morning at 10 o'clock.

ELWOOD EVANS,
*Chief Clerk.*

COUNCIL CHAMBER,
*Thursday, October* 12, 1871.

Council met pursuant to adjournment.

Mr. President in the chair.

Roll called.

Present—Messrs. Calhoun, Foster, Huntington, Joslyn, McReavy, O'Bryant, Smith, Stewart and Mr. President.

Prayer by the Chaplain.

Journal of Wedneday read and approved.

Mr. Stewart, of the committee on rules and orders, made the following report:

MR. PRESIDENT—

The committee on Rules and Orders, beg leave to report that they have carefully examined the temporary rules of the Council and recommend that the same be adopted without change, for the permanent government of the Council.

DANIEL STEWART,
*Chairman.*

On motion of Mr. Smith,

Report of committee was adopted.

On motion of Mr. Stewart,

The committee on printing were instructed to procure the printing of 50 copies of said rules and orders, in the usual form, containing also the joint rules, roll and standing committees.

On motion of Mr. Smith,

The hour of 10 o'clock A. M., was fixed as the time for meeting of the Council until otherwise ordered.

The following message was received from the House by their chief clerk:

HOUSE OF REPRESENTATIVES,
*Thursday, October* 12, 1871.

MR. PRESIDENT—

I am instructed by the House to inform the Council of the introduction in the House of the following:

H. B. No. 1—An act regulating suits in certain foreign judgments.

H. B. No. 2—An act to amend an act to provide for the assessing and collecting of Territorial and county revenue, approved Jan. 31, 1867.

H. B. No. 3—An act to amend an act entitled "an act relative to crimes and punishments and proceedings in criminal cases."

H. B. No. 4—An act to amend an act entitled "an act relative to crimes and punishments and proceedings in criminal cases."

H. B. No. 5—An act to authorize E. S. Fowler and others to construct a wharf at Port Townsend, W. T.

H. B. No. 6—An act to prevent the building of fish traps in fresh water streams in the Territory.

H. B. No. 7—An act to repeal an act entitled an act to establish pilots and pilot regulations for Juan de Fuca Straits, Puget Sound, and all American waters pertaining thereto.

H. B. No. 8—An act relative to the sale of spirituous, malt or fermented liquors or wines.

H. B. No. 9—An act authorizing James Keymes and others to construct a wharf at Port Townsend, W. T.

H. B. No. 10—An act to amend an act entitled "an act to create and regulate the office of sheriff," passed January 19th, 1863.

H. B. No. 11—An act providing for the relief of Dr. Philip James.

H. B. No. 12—An act to divide the Territory of Washington into judicial districts.

H. B. No. 13—An act to sub-divide the judicial districts of the Territory of Washington and prescribe the place for holding court therein.

H. B. No. 14—An act to enfranchise women.

Also of the passage in the Honse of C. J. R. No. 2, as to the adoption of joint rules and orders.

W. S. BAXTER,
*Chief Clerk.*

On motion of Mr Foster,

The Council adjourned.

ELWOOD EVANS,
*Chief Clerk.*

---

COUNCIL CHAMBER,
*Friday, October* 13, 1871.

Council met pursuant to adjournment.

Mr. President in the chair.

Roll called.

Present—Messrs. Calhoun, Foster, Huntington, Joslyn, McReavy, O'Bryant, Smith, Stewart and Mr. President.

Prayer by the chaplain.

Journal of Thursday read and approved.

Mr. Stewart, of joint committee on Joint Rules and Orders, made the following report:

MR. PRESIDENT—

The joint committee on joint rules and orders, have instructed me to report the following joint rules and orders for the government of the Assembly at its present session:

1. In every case of an amendment of a bill agreed to in one house and dissented to in the other, if either house shall request a conference and appoint a committee to confer, such committee shall, at a convenient hour to be agreed upon by their chairman, meet and state to each other, verbally or in writing,

as either shall choose, the reasons of their respective houses for and against the amendment, and confer freely thereon.

2. When a message shall be sent from the Council to the House of Representatives, it shall be announced at the door of the House by the doorkeeper, and shall be respectfully communicated to the chair by the person by whom it may be sent.

3. The same ceremony shall be observed when a message shall be sent from the House of Representatives to the Council.

4. All bills introduced into either House shall forthwith be reported to the other by their title.

5. When bills are on their passage between the two Houses, they shall be on paper, and under the signature of the clerk of each House respectively.

6. Neither House shall take any action upon a bill while the same is in possession of the other House.

7. Every bill or joint resolution, after being enrolled, shall be examined by a joint committee on enrolled bills, consisting of at least two members from each House, who shall compare the same with the engrossed bills, and correct any errors they may discover so as to make it agree therewith, and make their report forthwith to their respective Houses.

8. Every bill or joint resolution reported to have been duly enrolled shall first be signed by the Speaker of the House of Representatives, (who shall send the same to the Council) then by the President of the Council.

9. When a bill or resolution which shall have passed in one House shall be rejected in the other, notice thereof shall be given to the House in which the same shall have passed.

10. When a bill or resolution which has been passed in one House shall be rejected in the other, it shall not be brought in during the same session without a notice of five days.

11. Each House shall transmit to the other, with the bill or resolution, all papers on which such bills or resolutions shall be founded.

12. After each house shall have adhered to their disagreement, a bill or resolution shall be lost.

13. The President of the Council and the Speaker of the House shall cause the chief clerk of each House to number the bills originating in their respective Houses.

14. The printing committees of the two Houses shall compose a joint committee.

Respectfully submitted,

DANIEL STEWART,

*Chairman.*

Report received, and

On motion of Mr. Joslyn,

It was adopted.

Mr. Huntington in the chair.

Mr. Smith, of Snohomish, introduced

C. B. No. 1—An act defining the rights of husband and wife.

Bill read first time.

No objections being made, bill was read second time now by title.

Mr. Calhoun moved to refer to committee on judiciary.

Mr. Stewart moved to amend by ordering the bill printed.

Amendment adopted.

The question recurring on the motion to refer, the bill was so referred.

Mr. Joslyn moved that all bills, memorials, resolutions, &c., unless otherwise ordered, be printed after being read a second time, and that 250 be the number of copies to be furnished.

Motion carried.

Mr. Calhoun introduced

C. B. No. 2—An act providing for the appointment of a resident physician for the insane asylum and prescribing his duties.

Bill read first time.

No objections being made, the bill was read second time by title, and

On motion of Mr. McReavy,

Referred to committee on ways and means.

On motion of Mr. Smith, of Thurston,

Motion to refer was reconsidered.

On motion of Mr. Stewart,

Two hundred and twenty-five copies of the reports of the Territorial auditor and Territorial treasurer, to be attached as one pamphlet, were ordered for the use of the Council.

On motion of Mr. Foster,

Council adjourned until ten o'clock Saturday morning.

ELWOOD EVANS,
*Chief Clerk.*

---

COUNCIL CHAMBER,
*Saturday, October* 14, 1871.

Council met pursuant to adjournment.

Mr. President in the chair.

Roll called.

Present—Messrs. Calhoun, Foster, Huntington, Joslyn, McReavy, O'Bryant, Smith of Thurston, Stewart and Mr. President.

Prayer by the Chaplain.

Journal of Friday read and approved.

Mr. Joslyn presented the petition of Alonzo H. Curtis and 12 others, citizens of Klikitat county, praying the passage of an act authorizing the county commissioners of said county to authorize the erection of gates on certain county roads.

Mr. Joslyn gave notice that he would introduce a bill on the subject matter of said petition, and asked that the said petition

be laid on the table until the introduction of such bill. It was so ordered.

Mr. Huntington of the joint select committee to visit the insane asylum and penitentiary, made the following report:

[See appendix.]

Report received and ordered printed.

Mr. McReavy submitted the following report of the resident physician of the Territorial insane asylum:

[See appendix.]

Report read, and

On motion of Mr. Stewart,

Laid upon table and ordered printed.

The following message was received from the House by their chief clerk:

HOUSE OF REPRESENTATIVES,
*Saturday, October* 14, 1871.

MR. PRESIDENT—

I am instructed by the House to inform the Council of the introduction in the House of the following:

H. B. No. 15—An act entitled an act to repeal an act entitled "an act to regulate the measurement of lumber in the log and fixing compensation therefor."

H. B. No 16—An act fixing compensation of prosecuting attorneys.

H. B. No. 17—An act to amend an act entitled "an act to establish the amount and provide for the payment of costs in certain cases."

H. B. No. 18—An act for the protection of clerks of the district courts.

H. B. No. 19—An act to regulate the times of holding the supreme court and the several district courts of Washington Territory.

Also the passage in the House of

H. B. No. 10—An act to amend an act entitled "an act to create and regulate the office of sheriff."

W. S. BAXTER,
*Chief Clerk.*

Mr. Smith, of Snohomish, introduced

C. B. No. 3—An act in relation to descent and distribution of real and personal estate.

Bill read first time.

No objections being made, the bill was read second time by title, and

On motion of Mr. Smith, of Snohomish,

Was referred to committee on judiciary.

BUSINESS ON THE TABLE.

On motion of Mr. Calhoun,

C. B. No. 2, an act providing for the appointment of a resident physician for the insane asylum and prescribing his duties, together with the report of the joint select committee, and also the report of Dr. Stacy Hemenway, resident physician, were referred to committee on Ways and Means.

BUSINESS FROM THE HOUSE OF REPRESENTATIVES.

H. B. No. 10—An act to amend an act entitled "an act to create and regulate the office of sheriff," passed January 19th, 1863.

Bill read first time.

On motion of Mr. Huntington,

Adjourned until Monday morning at 10 A. M.

ELWOOD EVANS,
*Chief Clerk.*

COUNCIL CHAMBER,
*Monday, October* 16, 1871.

Council met pursuant to adjournment.

Mr. President in the chair.

On calling the roll the following members answered to their names:

Messrs. Calhoun, Foster, Huntington, McReavy, O'Bryant, Smith of Thurston, Stewart Joslyn, and Mr. President.

Prayer by the Chaplain.

Journal of Saturday read and approved.

Mr. Stewart presented the memorial of the city of Walla Walla, asking for an amendment to the charter enlarging the corporate limits of said city.

Memorial read first time.

On motion of Mr. Stewart,

Referred to committee on corporations with instructions to report by bill.

Mr. Smith, of the select committee to whom was referred so much of the Governor's message as relates to immigration and creating a board of commissioners, asked for further time.

Time granted.

On motion of Mr. Joslyn,

The committee on printing were instructed to procure 500 copies of the report of Dr. Stacy Hemenway, resident physician of the insane asylum, instead of the usual number heretofore ordered.

SECOND READING OF BILLS.

H. B. 10—An act to amend an act entitled "an act to create and regulate the office of sheriff," passed Jan. 19, 1863.

On motion of Mr. Calhoun,

Referred to committee on Judiciary.

OTHER BUSINESS OF THE COUNCIL.

Mr. Calhoun, of Jefferson, introduced

C. B. No. 4—An act to amend an act entitled "an act to regulate marriage."

Bill read first time.

No objection being made, the bill was read second time by title.

On motion of Mr. Joslyn,

Referred to committee on judiciary.

On motion of Mr. Stewart,

The Council adjourned until to-morrow morning at 10 o'clock.

ELWOOD EVANS,
*Chief Clerk.*

---

COUNCIL CHAMBER,
*Tuesday, Oct.* 17, 1871.

Council met pursuant to adjournment.

Mr. President in the chair.

On calling the roll the following members answered to their names:

Present—Messrs. Calhoun, Foster, Huntington, Joslyn, McReavey, O'Bryant, Smith of Thurston, Stewart and Mr. President.

Prayer by the Chaplain.

Journal of yesterday read and approved.

REPORTS OF STANDING COMMITTEES.

Mr. Smith, chairman of committee on Judiciary, made the following report:

MR. PRESIDENT—

Your committee on Judiciary, to whom was referred H. B. No. 10, an act to create and regulate the office of sheriff, passed Jan. 19, 1863, beg leave to report the same back and recommend its passage.

E. L. SMITH,
*Chairman.*

Mr. Stewart, of the committee on Corporations, made the following report:

MR. PRESIDENT—

The committee on Corporations, to whom was referred the memorial of the city council of the city of Walla Walla, praying for an amendment to their city charter so as to extend the corporate limits of said city and define the same as designated in said memorial, with instructions to report by bill, beg leave to report said memorial back to the Council, and recommend the passage of the accompanying bill, an act to extend and define the corporate limits of the city of Walla Walla, and ask to be discharged from the further consideration of the subject matter of said memorial.

Respectfully submitted,
DANIEL STEWART,
*Chairman.*

BILLS, REPORTS AND OTHER BUSINESS ON THE TABLE.

Report of committee on Judiciary on H. B. No. 10, an act to amend an act entitled "an act to create and regulate the office of sheriff," passed January 19, 1863; reported without amendment and its passage recommended.

Bill read third time.

The question being "Shall the bill pass?" the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Calhoun, Foster, Huntington, Joslyn, McReavey, O'Bryant, Smith of Thurston, Stewart and Mr. President.

Those in the negative were

None.

So the bill passed and the title agreed to.

The clerk was instructed to report the passage of the above to the House.

Report of committee on corporations. The question being on the receipt of the report and discharge of the committee from the further consideration of the memorial, they were so discharged.

C. B. No. 5—An act to extend and define the corporate limits of the city of Walla Walla.

Bill read first time.

No objections being made, read second time now, by title, and

On motion of Mr. Stewart,

Bill ordered printed together with the memorial of the city of Walla Walla.

OTHER BUSINESS OF THE COUNCIL.

On motion of Mr. Smith of Thurston,

The Secretary of the Territory was requested to procure suitable rooms in the city for the use of the standing committees of the Council.

The following message was received from the House by their chief clerk:

HOUSE OF REPRESENTATINES,
*Tuesday, October* 17, 1871.

MR. PRESIDENT—

I am instructed by the House to inform the Council of the introduction in the House of the following:

H. B. No. 19—An act to regulate the times of holding the supreme and several district courts of Washington Territory.

H. B. No. 20—An act to amend an act entitled "an act to regulate the practice and proceedings in civil actions," approved Dec. 2, 1869.

H. B. No. 21—An act in relation to Territorial convicts.

H. B. No. 22—An act to regulate interest on money and for the prevention of usury.

H. B. No. 23—An act for the relief of Kitsap county.

H. B. No. 24—An act to fix the time and place of holding the supreme and several district courts of Washington Territory.

H. B. No. 25—An act relating to district, county and precinct officers.

H. B. No. 26—An act entitled an act to prevent certain animals running at large in certain counties.

H. B. No. 28—An act to amend an act entitled "an act regulating suits for divorce and alimony," passed Jan. 19, 1863.

H. B. No. 29—An act for the relief of J. M. Vansyckle.

Also of the passage in the House of

H. B. No. 12—An act to divide the Territory into judicial districts.

H. B. No. 13—An act to sub-divide the judicial districts of Washington Territory, and provide places for holding Courts therein.

W. S. BAXTER,
*Chief Clerk.*

BUSINESS FROM THE HOUSE OF REPRESENTATIVES.

H. B. No. 12—An act to divide the Territory into judicial districts.

Bill read first time.

H. B. No. 13—An act to sub-divide the judicial districts of the Territory of Washington and providing places for holding courts therein.

Bill read first time.

On motion of Mr. McReavy,

The Council adjourned until 10 o'clock to-morrow morning.

ELWOOD EVANS,
*Chief Clerk.*

COUNCIL CHAMBER,
*Wednesday, October* 18, 1871.

Council met pursuant to adjournment.

Mr. President in the chair.

Upon calling the roll the following members answered to their names:

Present—Messrs. Calhoun, Foster, Huntington, Joslyn, McReavy, O'Bryant, Smith of Thurston, Stewart, and Mr. President.

Prayer by the Chaplain.

Journal of yesterday read and approved.

H. B. No. 12—An act to divide the Territory of Washington into judicial districts.

Mr. Joslyn moved to refer to committee on Ways and Means, pending which,

Mr. Stewart moved to refer to committee on Education.

Motion carried.

The question recurring on Mr. Joslyn's motion to refer as amended, the bill was so referred.

H. B. No. 13—An act to sub-divide the judicial districts of the Territory of Washington and prescribe the place for holding court therein.

On motion of Mr. McReavy,

Referred to committee on Education.

BILLS, REPORTS AND OTHER BUSINESS ON TABLE.

On motion of Mr. Stewart,

Council proceeded to the consideration of

C. B. No. 5—An act to extend and define the corporate limits of the city of Walla Walla.

On motion of Mr. Stewart,

Bill amended in line eleven of printed bills, by striking out "nine," second word of line, and insert "nineteen."

On motion of Mr. Stewart,

Bill considered as engrossed and now assigned as the time of its third reading.

Bill read third time, passed and title agreed to.

On motion of Mr. Stewart,

The clerk was instructed to report forthwith to the House the passage of the same.

The following message was received from the House by their clerk:

HOUSE OF REPRESENTATIVES,
*October* 18, 1871.

MR. PRESIDENT—

I am instructed by the House to inform the Council of the passage of

H. M. No. 1—Relative to the free navigation and improvement of Skagit river in Washington Territory.

Also the passage of

H. J. R. No. 2—Inviting Miss Susan B. Anthony to address the Legislative Assembly on female suffrage.

W. S. BAXTER,
*Chief Clerk.*

BILLS AND OTHER BUSINESS FROM THE HOUSE.

H. J. R. No. 2—Inviting Miss Susan B. Anthony to address the Legislative Assembly on female suffrage.

Resolution read first time.

No objections being made, resolution read a second time by title.

On motion of Mr. McReavy,

Resolution considered as engrossed and now assigned as the time of the third reading.

Resolution read a third time and passed.

The clerk was instructed to report forthwith to the House the passage of said resolution.

H. J. M. No. 1, which is as follows, was next taken up:

*To the Honorable Senate and House of Representatives of the United States in Congress assembled:*

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent that the Skagit river, in this Territory, could be made navigable for river steamers for a distance of sixty to seventy miles at all seasons of the year; that said river at and near its mouth is obstructed with one drift or jam to the great exclusion of navigating the same, thereby retarding the settlement of the Skagit valley, which contains an area of three hundred thousand acres of our finest lumber and farming lands; that the Skagit river passes through the Cascade range of mountains, affording an easy and accessible pass from the Yakima valley to the Sound country, while the mountains through which its head waters pass abound in rich mineral wealth; that learning from the engineer of the North Pacific railroad company, who has examined said section of the country, that the obstruction can be removed for the sum of ten thousand dollars and thereby open a channel for immigration to a tract of land capable of sustaining over one thousand families.

Your memorialists would therefore respectfully pray your honorable bodies to pass an act appropriating ten thousand dollars for the removal of said drift or jam, and the making of said river free of obstructions and navigable.

Memorial read first time.

No objections being made, memorial read second time now, by title, and

On motion of Mr. Smith,

Referred to committee on Federal relations.

OTHER BUSINESS OF THE COUNCIL.

Mr. Joslyn, of Klickitat, introduced

C. J. R. No. 4—Inviting Mr. Bull to reply to Miss Susan B. Anthony.

Resolution read first time.

No objections being made, resolution read second time.

On motion of Mr. Smith of Thurston,

Resolution considered engrossed and now assigned as time of third reading.

Resolution read a third time and passed.

The clerk was instructed to inform the House of the same.

Mr. Huntington, of Cowlitz, introduced

C. B. No. 6—An act to amend an act entitled "an act in relation to roads, ferries, bridges and travel on public highways."

Bill read first time.

No objections being made, bill read second time by title, and

On motion of Mr. Smith,

Referred to committee on Roads and Highways.

Mr. Stewart moved that the committee on Roads and Highways be instructed to report the following amendment to said C. B. No. 6: strike out "one," last word of line eleven, and insert "two."

On this motion the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Foster, O'Bryant, Smith of Thurston, Stewart and Mr. President—5.

Those voting in the negative were

Messrs. Calhoun, Huntington, Joslyn, and McReavey—4.

So the said committee were so instructed.

On motion of Mr. Foster,

The Council adjourned until 10 o'clock tomorrow morning.

ELWOOD EVANS,

*Chief Clerk.*

COUNCIL CHAMBER,
*Thursday, October* 19, 1871.

Council met pursuant to adjournment.

Mr. President in the chair.

On calling the roll the following members answered to their names:

Messrs. Calhoun, Foster, Huntington, Joslyn, McReavy, O'Bryant, Smith of Thurston, Stewart and Mr. President.

Prayer by the Chaplain.

Journal of Wednesday read and approved.

The President laid before the Council the following communication from the Secretary of the Territory:

TERRITORY OF WASHINGTON,
SECRETARY'S OFFICE,
*Olympia, October* 18, 1871.

HON. H. A. SMITH,
*President of the Council of the Legislative Assembly of Washington Territory:*

SIR: I have the honor to acknowledge receipt of communication dated October 17th, requesting that suitable rooms for Council committees should be procured, and to inform you that in compliance with your request, the rooms are now in readiness for your committees.

I am sir,
Very respectfully,
Your obedient servant,
J. C. CLEMENTS,
*Secretary Washington Territory.*

Mr. O'Bryant stated that he had been requested by Mr. McReavy to inform the Council that sickness in his family would cause his absence the remainder of the present week.

On motion of Mr. Joslyn,

Leave of absence was granted.

Mr. Stewart stated that Mr. Calhoun had been called away by sickness, and would be necessarily absent the remainder of the week.

On motion of Mr. Smith,

Leave of absence was granted.

On motion of Mr. Stewart,

Council adjourned until to-morrow morning at 10 o'clock.

ELWOOD EVANS,
*Chief Clerk.*

---

COUNCIL CHAMBER,
*Friday, October* 20, 1871.

Council met pursuant to adjournment.

Mr. President in the chair.

Roll called.

Present—Messrs. Foster, Huntington, Joslyn, O'Bryant, Smith, Stewart and Mr. President.

Absent on leave—Messrs. Calhoun and McReavy.

Prayer by the Chaplain.

Journal of Thursday read and approved.

On motion of Mr. Stewart,

Eleven o'clock A. M. was fixed for the daily meetings of the Council until otherwise ordered.

Mr. Smith of Thurston introduced

C. B. No. 7—An act to authorize married women to transact business in their own names as sole traders.

Bill read first time.

No objection being made, bill read second time, by title.

On motion of Mr. Stewart,

Referred to committee on Judiciary with instructions to have it printed.

Mr. Joslyn, of Clarke, Klickitat and Yakima, introduced C. B. No. 8—An act to authorize the county commissioners of Klikitat county to allow private parties to place gates upon roads and highways.

Bill read first time.

No objection being made, bill read second time, by title.

On motion of Mr. Joslyn,

The petition of Alonzo H. Curtis and 12 others, citizens of Klikitat county, laid on table Oct. 14, 1871, was taken up, and together with C. B. No. 8 was,

On motion of Mr. Joslyn,

Referred to committee on Roads and Highways with instructions to print.

Message from the House by their chief clerk, in the words following:

HOUSE OF REPRESENTATIVES,
*October* 20, 1871.

MR. PRESIDENT—

I am instructed by the House to inform the Council of the passage by the House of the following:

H. B. No. 22—An act to regulate interest on money and for the prevention of usury.

Also the introduction in the House of

H. B. No. 30—An act to amend an act entitled "an act in relation to county auditors."

Also that the Speaker has signed

H. B. No. 10—An act to amend an act entitled "an act to create and regulate the office of sheriff."

W. S. BAXTER,
*Chief Clerk.*

H. B. No. 10—An act to amend an act entitled "an act to create and regulate the office of sheriff," passed January 19th, 1863.

On motion of Mr. Joslyn,

The clerk was instructed to return said bill to the House of Representatives with the following statement of reasons for such action: That said bill had never been submitted to the committee on Enrolled Bills on the part of Council, nor reported herein as duly enrolled as provided by rules seven and eight of joint rules.

H. B. No. 22—An act to regulate interest on money and to prevent usury.

No objection being made, bill read a second time, by title.

On motion of Mr. Stewart,

Referred to Committee on Judiciary.

Mr. Smith of Thurston in the chair.

On motion of Mr. Smith of Snohomish,

Council adjourned.

ELWOOD ENANS,
*Chief Clerk.*

---

COUNCIL CHAMBER,
*Saturday, October* 21, 1871.

Council called to order.

Mr. President in the chair.

On calling the roll the following members answered to their names:

Messrs. Huntington, Joslyn, Smith of Thurston, and Mr. President.

No quorum appearing, the President declared the Council adjourned.

ELWOOD EVANS,
*Chief Clerk.*

COUNCIL CHAMBER,
*Monday, October* 23, 1871.

Council met pursuant to adjournment.

Mr. President in the chair.

Roll called.

Present—Messrs. Foster, Huntington, Joslyn, O'Bryant, Smith, Stewart and Mr. President.

Absent on leave—Messrs. Calhoun and McReavy.

Prayer by the Chaplain.

Journals of Friday and Saturday, October 20 and 21, read and approved.

Mr. Stewart in the chair.

Mr. Joslyn from the committee on Enrolled Bills, made the following report:

MR. PRESIDENT—

Your committee have compared and find correctly enrolled the following:

H. B. No. 22—An act to amend an act entitled "an act to create and regulate the office of sheriff," passed January 19th, 1863.

E. S. JOSLYN,
*Chairman.*

Mr. Smith of Thurston, of the committee on Judiciary, made the following report:

MR. PRESIDENT—

Your committeee on Judiciary, to whom was referred

C. B. No. 1—An act defining the rights of husband and wife.

C. B. No. 3—An act in relation to descent and distribution of real and personal estate,

Having had the same under consideration, report them back to the Council with a substitute for both bills entitled an act

defining the rights of persons and of property as affected by marriage, and recommend the adoption of the substitute.

E. L. SMITH,
*Chairman.*

Mr. Smith of Thurston, of the committee on Judiciary, reported a bill with the following title:

C. B. No. 9—An act to make uniform the practice of all suits of chancery jurisdiction.

Bill read first time.

No objections being made, bill read a second time, by title.

On motion of Mr. Smith of Thurston,

To-morrow was assigned as the time for the third reading of this bill.

The following message was received from the House by their chief clerk:

HOUSE OF REPRESENTATIVES,
*Monday, October* 21, 1871.

MR. PRESIDENT—

I am instructed by the House to inform the Council of the introduction in the House of the following:

H. B. No. 31—An act authorizing the county commissioners of Whatcom county to retain in the hands of the county treasurer the Territorial tax for years 1872, 1873 and 1874.

H. B. No. 32—An act to regulate elections and prescribe the tenure of office therein.

H. B. No. 33—An act to amend an act entitled "an act to incorporate the town of Tumwater."

H. B. No. 34—An act to secure to orphans and all children in the Territory a common school education.

H. B. No. 35—An act to amend an act entitled "an act to regulate fees and costs so far as relates to Walla Walla county."

H. B. No. 36—An act to regulate the raising of revenue for road purposes in Walla Walla county.

H. B. No. 37—An act appropriating certain taxes for a certain road and regulating the expenditure thereof.

H. M. No. 2—Asking an appropriation for a road from Seattle to Bellingham Bay.

Also that the Speaker of the House of Representatives has signed

H. B. 10—An act to amend an act entitled "an act to create and regulate the office of sheriff," passed Jan. 19, 1863.

Also the passage in the House of Representatives of the following:

H. B. No. 4—An act to amend an act entitled "an act relative to crimes and punishments and proceedings in criminal cases."

H. B. No. 24—An act to fix the time and place of holding the supreme and several district courts of Washington Territory.

H. B 27—An act to amend an act entitled "an act to prevent hogs trespassing in certain counties," approved December 2, 1867.

H. B. No. 33—An act to amend an act entitled "an act to incorporate the town of Tumwater."

W. S. BAXTER,
*Chief Clerk.*

Mr. Smith of Thurston introduced

C. B. No. 10—An act to amend an act entitled "an act to regulate the practice and proceedings in civil actions," approved Dec. 2, 1869.

Bill read first time.

No objection being made, bill read a second time, by title.

On motion of Mr. Smith,

Referred to committee on Judiciary.

BILLS, REPORTS AND OTHER BUSINESS ON TABLE.

Substitute for C. B. No. 1, an act defining the rights of husband and wife, and C. B. No. 3, an act relative to descent and distribution of real and personal estate. Reported by committee on Judiciary.

On motion of Mr. O'Bryant,

Substitute reported as C. B. No. 11, an act defining the rights of persons and of property as affected by marriage.

On motion of Mr. Smith of Snohomish,

Substitute entitled C. B. No. 11, was laid upon the table subject to the order of the Council.

BILLS AND OTHER BUSINESS FROM THE HOUSE.

H. B. No. 4—An act to amend an act entitled "an act relative to crimes and punishments and proceedings in criminal cases."

Bill read first time.

No objections being made, bill read a second time by title.

On motion of Mr. Joslyn,

Referred to committee on Judiciary.

H. B. No. 24—An act to fix the time and place of holding the supreme and several district courts of Washington Territory.

Bill read first time.

No objection being made, bill read a second time, by title.

On motion of Mr. Joslyn,

Referred to committee on Education.

H. B. No. 27—An act to amend an act entitled "an act to prevent hogs trespassing in certain counties," approved December 2, 1867.

Bill read first time.

No objections being made, the bill was read second time by title, and

On motion of Mr. Smith of Thurston,

Referred to committee on Agriculture.

H. B. 33—An act to amend an act entitled "an act to incorporate the town of Tumwater."

Bill read first time.

No objections being made, the bill was read second time by title, and

On motion of Mr. Smith, of Thurston,

Referred to committee on Corporations.

Mr. President in the chair.

The President gave notice that he was about to sign the following:

H. B. No. 22—An act to amend an act entitled "an act to create and regulate the office of sheriff," passed January 19, 1863.

On motion of Mr. Smith of Thurston,

The Council adjourned until 11 o'clock A. M. to-morrow.

ELWOOD EVANS,
*Chief Clerk.*

---

COUNCIL CHAMBER,
*Tuesday, October* 24, 1871.

Council met pursuant to adjournment.

Mr. President in the chair.

On calling the roll the following members answered to their names:

Present—Messrs. Foster, Huntington, Joslyn, McReavey, O'Bryant, Smith of Thurston, Stewart and Mr. President.

Absent on leave—Mr. Calhoun.

Prayer by the Chaplain.

Journal of yesterday read and approved.

REPORTS OF STANDING COMMITTEES.

Mr. Smith of Thurston, from committee on Judiciary, made the following report:

MR. PRESIDENT—

The committee on Judiciary, to whom was referred

C. B. No. 4—An act to amend an act entitled "an act to regulate marriages,"

Report the same back with a substitute entitled "an act to regulate marriages," and recommend the adoption of the substitute. Also,

C. B. No. 7—An act to authorize married women to transact business in their own names as sole traders, and recommend the adoption of the same without amendment.

E. L. SMITH,
*Chairman.*

Mr. Smith, of committee on Education, made the following report:

MR. PRESIDENT:

Your committee on Education, to whom was referred

H. B. No. 24—An act to fix the time and place of holding the supreme and several district courts of Washington Territory,

Report the same back without amendments and recommend its passage.

E. L. SMITH,
*Chairman.*

Mr. O'Bryant, from Committee on Roads and Highways, made the following report:

MR. PRESIDENT—

Your committee on Roads and Highways, to whom was referred

C. B. No. 6—An act to amend an act entitled "an act in relation to roads, ferries, bridges and travel on public highways,"

With instructions to report an amendment thereto as follows: Strike out "one" where it occurs in section one, line five, and insert "two," report said bill back with said amendment, agreeably with said instructions.

H. D. O'BRYANT,
*Chairman.*

The following message was received from the House by their clerk:

HOUSE OF REPRESENTATIVES,
*October* 24, 1871.

MR. PRESIDENT—

I am instructed by the House to inform the Council of the introduction in the House of

H. B. No. 38—An act to assign the District Judges to the several Judicial Districts.

H. B. No. 39—An act authorizing the county commissioners of Clalm county to expend the Territorial tax of said county for the year 1872, on the Territorial road from Squim Bay to Port Angelos.

Substitute for H. B. No. 6—An act to prevent the destruction of fish in any fresh water streams, creeks or lakes in Washington Territory.

W. S. BAXTER,
*Chief Clerk.*

THIRD READING OF BILLS.

C. B. No. 9—An act to make uniform the practice in all suits of chancery jurisdiction.

The question being on the passage of this bill, it was unanimously passed and title agreed to.

BILLS, REPORTS AND OTHER BUSINESS ON THE TABLE.

Report of Judiciary committee on C. B. No. 4. Substitute reported therefor entitled

C. B. No. 12—An act to regulate marriage.

Also reporting back

C. B. No. 7—An act to authorize married women to transact business in their own names as sole traders.

On motion of Mr. O'Bryant,

Report of committee was adopted.

C. B. No. 12—An act to regulate marriage.

On motion of Mr. Joslyn,

Laid upon table and ordered printed.

C. B. No. 7—An act to authorize married women to transact business in their own names as sole traders.

On motion of Mr. Smith,

Now was assigned as the time of third reading of the bill.

Bill read third time.

The question being "Shall the bill pas?"

On motion of Mr. Stewart,

Laid upon the table.

On motion of Mr. McReavy,

Now was assigned as the time for the third reading of

H. B. No. 24—An act to fix the time and place of holding the supreme and several district courts of Washington Territory.

Bill read third time.

The question recurring on the passage of bill, said bill passed and title was agreed to.

Report of committee on Roads and Highways.

Mr. O'Bryant moved to adopt the report of committee, strike out "one," last word of line eleven, and insert "two."

Motion lost.

On motion of Mr. Huntington,

The original bill was recommitted to the committee on Roads and Highways.

OTHER BUSINESS OF THE COUNCIL.

Mr. Huntington presented the following claim of Huntington & Son for the keeping of insane and idiotic persons from July 15, 1871, (when their contract expired) to August 16, 1871:

To safe keeping the following insane and idiotic persons from July 15, to August 16, 1871, at nine dollars per week, viz:

| | |
|---|---|
| Margaret Conrito | $ 40 50 |
| Mahah Lane | 40 50 |

| | |
|---|---|
| Pauline Kimberland | $ 40 50 |
| Martha E. King | 40 50 |
| Mrs. H. D. Dyer | 40 50 |
| Elizabeth Pilcher | 40 50 |
| Charles H. Moore | 40 50 |
| Garnet Rylander | 40 50 |
| Noah S. Blake, | 40 50 |
| John McDonald | 40 50 |
| Ira Patterson | 40 50 |
| Oto Nystram | 4050 |
| Noah Isham | 40 50 |
| Andrew J. Johnson | 40 50 |
| Edward Paulding | 40 50 |
| Levi Brooks | 40 50 |
| James Kelley | 40 50 |
| Joseph Clifford | 40 50 |
| Augustin Kimber | 40 50 |
| David Stone, to August 30, six and one-half weeks | 58 50 |
| John Cavanaugh | 40 50 |
| Benjamin Hooper | 40 50 |
| To $25 00 coin furnished Kellogg for expenses home | 27 75 |
| To $15 53 coin furnished Joseph Smith | 17 28 |
| To $15 00 currency furnished Kennedy | 15 00 |
| To currency furnished Enis Joseph | 5 00 |
| | $974 03 |

JAMES HUNTINGTON & SON.

On motion of Mr. Huntington,

Said claim was referred to committee on Claims, with instructions to report by bill and to print said claim.

On motion of Mr. O'Bryant,

The Council adjourned until 11 o'clock to-morrow morning.

ELWOOD EVANS,
*Chief Clerk.*

COUNCIL CHAMBER,
*Wednesday, October* 25, 1871.

Council met pursuant to adjournment.

Mr. President in the chair.

Upon calling the roll the following members answered to their names:

Present—Messrs. Calhoun, Foster, Huntington, Joslyn, Mcreavy, O'Bryant, Smith of Thurston, Stewart, and Mr. President.

Prayer by the Chaplain.

Journal of yesterday read and approved.

REPORTS OF STANDING COMMITTEES.

Mr. Smith, chairman of committee on Judiciary, made the following report:

MR. PRESIDENT—

Your committee on Judiciary, to whom was referred

H. B. No. 22—An act to regulate interest on money and for the prevention of usury.

Report the same back without recommendation.

E. L. SMITH,
*Chairman.*

Mr. Calhoun, from the committee on Education, made the following report:

MR. PRESIDENT—

Your committee on Education, to whom was referred

H. B. No. 12—An act to divide the Territory into judicial districts.

H. B. No. 13—An act to sub-divide the judicial districts of the Territory of Washington and providing places for holding courts therein,

Have had the same under consideration and have instructed

me to report the same back to the Council and recommend their passage.

Respectfully submitted,

GEO. V. CALHOUN,

*Chairmau.*

Mr. McReavy, from committee on Agriculture, made the following report:

MR. PRESIDENT—

The committee on Agriculture to whom was referred

H. B 27—An act to amend an act entitled "an act to prevent hogs trespassing in certain counties," approved December 2, 1867,

Have had the same under consideration, and have instructed me to report the same back and recommend its passage.

JOHN McREAVY,

*Chairman.*

Mr. Stewart, of the committee on Corporations, made the following report:

MR. PRESIDENT—

The committee on Corporations, to whom was referred

H. B. 33—An act to amend an act entitled "an act to incorporate the town of Tumwater,"

Have instructed me to report the following amendment to said bill: Strike out all after the word "follows," in line two, section one, and insert the following: "The municipal election of all town officers of the corporation shall be on the first Monday in December of each year, and the polls at said election shall be kept open from six o'clock P. M., until nine o'clock P. M., and in case of a vacancy in the board of trustees, a majority of the remaining board shall have power to fill such vacancy until the next municipal election."

Respectfully submitted,

DANIEL STEWART,

*Chairman.*

Mr. O'Bryant, from the committee on Roads and Highways, made the following report:

MR. PRESIDENT—

Your committee on Roads and Highways, to whom was referred

C. B. No. 8—An act to authorize the county commissioners of Klikitat county to allow private parties to place gates upon roads and highways,

Together with the petition of Alonzo H. Curtis and 12 others, citizens of said county, praying for such relief, have instructed me to report the same back with the recommendation that the said bill pass.

H. D. O'BRYANT,
*Chairman.*

Mr. Calhoun in the chair.

Mr. Smith, of Snohomish, introduced

C. B. No. 13—An act defining the rights of husband and wife and in relation to descent and distribution of property.

Bill read first time.

No objections being made, bill was read second time now by title.

On motion of Mr. Smith of Snohomish,

Laid on the table and ordered printed.

Mr. President in the chair.

Message from the House by their chief clerk, in the words following:

HOUSE OF REPRESENTATIVES,
*October* 25, 1871.

MR. PRESIDENT—

I am instructed by the House to inform the Council of the introduction in the House of the following:

H. B. No. 40—An act in relation to the sheriffs of Pacific and Stevens county.

H. B. No. 41—An act to recover property removed by high water.

H. B. No. 42—An act authorizing the county commissioners of Walla Walla county to retain Territorial tax for years 1871,

1872, 1873 and 1874, to aid in construction of a railroad from Columbia river to Walla Walla.

H. B. No. 43—An act authorizing the county commissioners of Stevens county to use the Territorial tax for years 1871 and 1872, to locate and construct a certain road in Stevens county, W. T.

H. B. No. 44—An act to prescribe the manner of changing and locating county seats.

H. B. No. 45—An act to protect the people of Washington Territory from empiricism.

Also of the passage in the House of

H. B. No. 21—An act in relation to Territorial convicts.

W. S. BAXTER,
*Chief Clerk.*

BUSINESS ON THE TABLE.

H. B. No. 22—An act to regulate interest on money and to prevent usury.

On motion of Mr. Smith.

Now was assigned as the time for third reading of the bill.

Bill read a third time.

The question being "Shall the bill pass?" the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Huntington, Joslyn, O'Bryant, and Mr. President.—4

Those voting in the negative were

Messrs. Calhoun, Foster, McReavey, Smith of Thurston and Stewart.—5.

So the council refused to pass the bill.

H. B. No. 12—An act to divide the Territory of Washington into judicial districts.

On motion of Mr. Smith of Thurston,

Now was assigned as the time for the third reading of the bill.

Bill read a third time.

The question being "Shall the bill pass?" the ayes and noes were demanded with the following result:

Those voting in the affirmative were

Messrs. Calhoun, Foster, Huntington, McReavey, O'Bryant, Smith of Thurston, and Mr. President—7.

Those voting in the negative were

Messrs. Joslyn and Stewart—2.

So the bill passed and the title agreed to.

H. B. No. 13—An act to sub-divide the judicial districts of the Territory of Washington and prescribe the place for holding court therein.

On motion of Mr. Huntington,

Now was assigned as the time for the third reading of the bill.

Bill read a third time.

The question being "Shall the bill pass?" the ayes and noes were demanded with the following result:

Those voting in the affirmative were—

Messrs. Calhoun, Foster, Huntington, McReavy, O'Bryant, Smith of Thurston and Mr. President—7.

Those voting in the negative were—

Mr. Joslyn.

Not voting—Mr. Stewart.

So the bill passed and title agreed to.

On motion of Mr. Foster,

Now assigned as time for third reading.

Bill read third time, passed and title agreed to.

C. B. No. 8—An act to authorize the county commissioners of Klikitat county to allow private parties to erect gates on roads and highways.

On motion of Mr. Joslyn,

Now assigned as time of third reading.

Bill read third time, passed and title agreed to.

Report of committee on Corporations with an amendment to H. B. No. 33—An act to amend an act entitled "an act to incorporate the town of Tumwater."

On motion of Mr. McReavy,

Report was adopted.

On motion of Mr. McReavy,

Now was assigned as the time for third reading of the bill. Read third time by title, passed and title agreed to. Mr. Huntington in the chair.

On motion of Mr. Smith, of Snohomish,

Council adjourned until to-morrow morning at 10 o'clock.

ELWOOD EVANS,
*Chief Clerk.*

---

COUNCIL CHAMBER,
*Thursday, October* 26, 1871.

Council met pursuant to adjournment.

Mr. President in the chair.

On calling the roll the following members answered to their names:

Messrs. Calhoun, Foster, Huntington, Joslyn, McReavy, O'Bryant, Smith of Thurston, Stewart and Mr. President.

Prayer by the Chaplain.

Journal of Wednesday read and approved.

PROPOSITIONS AND MOTIONS.

On motion of Mr. Smith, of Thurston,

The vote was reconsidered by which the Council yesterday agreed to the title and passed

H. B. No. 13—An act to sub-divide the judicial districts of Washington Territory, and provide places for holding Courts therein.

The bill being still upon its third reading, Mr. Smith asked the unanimous leave of the Council to offer the following amendment to said bill:

Amend section two to read as follows: "The counties of Stevens and Yakima shall be the second sub-district, and Fort Colville, in Stevens county, and Yakima city, in Yakima county, shall be alternately the places for holding said district courts, at the times as prescribed in an act to fix the times for holding the supreme and district courts. Strike out section three and number subsequent sections to conform.

Amendment adopted.

Mr. Smith of Thurston, asked unanimous leave to introduce the further amendment. Add to section two the following:

"*Provided,* That all civil suits or actions pending in said courts shall continue until final determination in the court holding its term at the place where suit is commenced, except by consent of parties, any civil actions or suits in equity may be transferred, heard and determined at the next term in such sub-district, and the law governing the change of venue in civil actions shall govern in such transfers, the costs, however, to abide the event of the action. Criminal prosecutions instituted at either of the places for holding court in such sub-district, and not finally determined, shall be transferred to the next term of the court in course, whether the same be held at Yakima city or Fort Colville, and commitments in this district shall be returnable to the next term of this court to be held in said sub-district."

Pending the question of adopting said amendment,

On motion of Mr. Smith of Thurston,

Bill and pending amendment was referred to committee on Judiciary.

Mr. Calhoun, of Jefferson, introduced

C. B. No. 14—An act for the preservation of certain game birds.

Bill read first time.

No objections being made, read second time now, by title, and

On motion of Mr. McReavy,

Bill considered as engrossed and now assigned as the time of its third reading.

Bill read third time, passed and title agreed to.

On motion of Mr. Calhoun,

The clerk was instructed to report the passage of the above to the House.

The following message was received from the House by their chief clerk:

HOUSE OF REPRESENTATIVES,
*Thursday, October* 26, 1871.

MR. PRESIDENT—

I am instructed by the House to inform the Council of the introduction in the House of the following:

H. B. No. 46—An act to amend an act entitled "an act in relation to roads, ferries, bridges and travel on public highways,"

H. B. No. 47—An act in relation to dogs.

H. B. No. 48—An act in relation to poisons.

H. B. No. 49—An act to amend "an act entitled an act to authorize a special tax in the county of Clarke."

H. B. No. 50—An act relating to costs incurred in criminal prosecutions, for offences committed on Islands held under joint occupation of the United States and Great Britain.

H. B. No. 51—An act to amend "an act relating to collection of county and Territorial revenue."

Also, two substitutes, numbered 52 and 53, returned to the House for H. B. No. 26, an act to prevent certain animals running at large.

Also the passage in the House of Representatives of the following:

H. B. No. 35—An act to amend an act entitled "an act to regulate fees and costs so far as relates to Walla Walla county."

H. B. No. 36—An act to regulate the raising of revenue for road purposes in Walla Walla county.

H. J. R. No. 2—Relative to adjournment.

Also, that the House of Representatives have concurred in Council amendments to

H. B. No. 33—An act to amend an act entitled "an act to incorporate the town of Tumwater."

W. S. BAXTER,
*Chief Clerk.*

BILLS AND OTHER BUSINESS FROM THE HOUSE.

Mr. Joslyn in the chair.

H. B. No. 21—An act in relation to Territorial convicts.

Bill read first time.

No objections being made, the bill was read second time by title, and

On motion of Mr. Huntington,

Referred to a Select committee of three.

H. J. R. No. 2—Relative to adjournment.

Resolution read first time.

No objections being made, resolution read a second time by title.

On motion of Mr. McReavy,

It was so amended as to read as follows:

*Resolved by the House, the Council concurring,* That the Legislative Assembly of Washington Territory take a recess from Wednesday, November 1, 1871, until Saturday, November 11, 1871.

On motion of Mr. McReavy,

Now was assigned as the time for the third reading of the resolution.

Resolution read a third time and passed.

On motion of Mr. McReavy,

The clerk was instructed to report forthwith to the House the passage of said resolution.

H. B. 35—An act to amend an act entitled "an act to regulate fees and costs so far as relates to Walla Walla county."

Bill read first time.

No objections being made, the bill was read second time by title, and

On motion of Mr. McReavy,

Referred to a special committee consisting of the Walla Walla delegation.

H. B. 36—An act to regulate the raising of revenue for road purposes in Walla Walla county.

Bill read first time.

No objection being made, the bill was read second time by title.

On motion of Mr. McReavy,

Referred to a Special committee consisting of the Walla Walla delegation.

On motion of Mr. Calhoun,

Committee was instructed to amend said bill by striking out the word "male," in line two, section four.

Mr. President in the chair.

The President announced the appointment of Messrs. Huntington, McReavy and Foster as the Select committee to whom was referred

H. B. No. 21—An act in relation to Territorial convicts.

On motion of Mr. McReavy,

Council adjourned.

ELWOOD EVANS,
*Chief Clerk.*

COUNCIL CHAMBER,
*Friday, October 27, 1871.*

Council met pursuant to adjournment.

Mr. President in the chair.

Roll called.

Present—Messrs. Calhoun, Foster, Huntington, Joslyn, McReavy, O'Bryant, Smith, Stewart and Mr. President.

Prayer by the Chaplain.

Journal of Thursday read and approved.

REPORTS OF STANDING COMMITTEES.

Mr. Smith of Thurston, from committee on Judiciary, made the following report:

MR. PRESIDENT—

The committee on Judiciary, to whom was referred

H. B. No. 13—An act to sub-divide the judicial districts of the Territory of Washington and providing places for holding courts therein,

With a pending amendment as proviso to section two, as amended, of said bill, have instructed me to report the following amendment as a further addition to said section:

"*Provided*, That all civil suits or actions pending in said courts shall continue until final determination in the court holding its term where suit is commenced; except by consent of parties, any civil action or suit in equity may be transferred, heard and determined at the next term in such sub-district, and the law governing the change of venue in civil actions, shall govern in such transfers, the costs however, of such transfer, to abide the event of the action. Criminal prosecutions, except where the defendant may be at liberty on good and sufficient bail, instituted at either of the places for holding court in such sub-district, and not finally determined shall, without good and sufficient cause be shown, be transferred to the next term of the court in course,

whether the same be held at Yakima city or Fort Colville, and commitments to answer at the district court shall in all cases be made returnable to the next term of the court to be held in said sub-district."

The following message was received from the House by their clerk:

HOUSE OF REPRESENTATIVES,
*October* 27, 1871.

MR. PRESIDENT—

I am instructed by the House to inform the Council of the introduction in the House of

H. B. No. 54—An act concerning fences.

H. B. No. 55—An act conferring upon boards of county commissioners, certain powers in regard to highways.

H. B. No. 56—An act conferring upon boards of county commissioners certain powers in regard to swine.

Also, that the House is now in possession of the biennial reports of Territorial treasurer and auditor.

Also of the passage in the House of

H. B. No. 44—An act to prescribe the manner of changing and locating county seats.

H. J. R. No. 3—Relative to examination of the Territorial treasurer and auditors reports by joint committee on Ways, Means and Claims.

And that the House of Representatives have concurred in Council amendments to

H. J. R. No. 2—Relative to adjournment.

W. S. BAXTER,
*Chief Clerk.*

PROPOSITIONS AND MOTIONS.

Mr. Joslyn, of Klickitat, introduced

C. J. R. No. 5—Creating Joint Select committee to visit Territorial university.

Resolution read first time.

No objections being made, resolution read second time.

On motion of Mr. Stewart,

Amended by striking out "sixth day of November" and inserting "thirtieth day of October."

Mr. Joslyn moved to strike out all of the following: "And that Monday the 30th day of October, 1871, be the day fixed for the meeting of said committee at Seattle."

Motion lost.

On motion of Mr. McReavy,

Now was assigned as the time for the third reading of the resolution.

Resolution read a third time and passed.

Resolution as passed is as follows:

*Resolved by the Council, the House concurring*, That there be appointed a committee, consisting of three members of the Council and five of the House, whose duty it shall be to visit Seattle for the purpose of inquiring into the condition of the Territorial university at that place, and make report to their respective Houses.

BILLS, REPORTS AND OTHER BUSINESS ON THE TABLE.

Committee on Judiciary reported an amendment to

H. B. No. 13—An act to sub-divide the judicial districts of the Territory of Washington and prescribe the place for holding court therein.

On motion of Mr. Joslyn,

Report of committee was adopted.

The question recurring on the passage of bill as amended, bill unanimously passed and title was agreed to.

Mr. McReavy in the chair.

BILLS AND OTHER BUSINESS FROM THE HOUSE.

H. J. R. 3—Relative to joint committee to examine reports of Territorial treasurer and auditor.

Resolution read first time.

On motion of Mr. Smith of Thurston,

Amended in line five by striking out "requested," and inserting in lieu thereof "constituted a joint committee."

On motion of Mr. Smith, of Thurston,

Now was assigned as time for third reading.

Resolution read a third time and passed.

H. B. 44—An act prescribing the manner of locating and changing county seats.

Bill read first time.

No objection being made, bill read a second time, by title.

On motion of Mr. Smith of Thurston,

Referred to committee on Counties.

On motion of Mr. Foster,

The Council adjourned until 11 o'clock to-morrow morning.

ELWOOD EVANS,
*Chief Clerk.*

---

COUNCIL CHAMBER,
*Saturday, October 28, 1871.*

Council met pursuant to adjournment.

Roll called.

Present—Messrs. Calhoun, Foster, Huntington, Joslyn, McReavy, O'Bryant, Smith of Thurston, Stewart and Mr. President.

Prayer by the Chaplain.

Journal of Friday read and approved.

Mr. McReavy, from the committee on Enrolled Bills, made the following report:

MR. PRESIDENT—

Your committee have compared and find correctly enrolled the following:

H. B. No. 12—An act to divide the Territory into judicial districts.

H. B. 27—An act to amend an act entitled "an act to prevent hogs trespassing in certain counties," approved December 2, 1867.

H. B. 33—An act to amend an act entitled "an act to incorporate the town of Tumwater."

C. J. R. No. 3—Relative to the condition of the Territorial insane asylum and Territorial penitentiary.

Joint resolution as to waiting upon the Governor.

Joint resolution as to adoption of joint rules and orders.

JOHN McREAVY,
*Chairman.*

PROPOSITIONS AND MOTIONS.

Mr. McReavy, of Pierce and Mason, introduced

C. B. No. 15—An act to regulate the common schools and provide a uniform series of text books in the Territory of Washington.

Bill read first time.

No objections being made, bill read a second time by title.

On motion of Mr. Calhoun,

Referred to committee on Education.

Mr. Foster in the chair.

Mr. Smith of Snohomish, moved to take from the table

C. B. No. 13—An act defining the rights of husband and wife and in relation to descent and distribution of property.

Motion carried.

Mr. Smith moved to amend by striking out said title, and to divide said bill into two bills respectively entitled

C. B. No. 13—An act defining the rights of persons and property as affected by marriage.

C. B. No. 15—An act in relation to descent and distribution of real and personal estate.

Also, numbering section 34 as section one of said bill 16, and conforming subsequent sections to said numbering. Also, adding two new sections, 34 and 35, to C. B. 13 as amended.

Motion carried.

On motion, C. B. 13 and C. B. 16, thus amended, were substituted for C. B. 13.

On motion of Mr. Smith, of Thurston,

Said C. B's 13 and 16, together with C. B. 11, and the whole subject of rights of married persons as to property, and descent and distribution thereof, be laid upon the table and made special order for Monday, November 13, 1871.

On motion of Mr. Joslyn,

The usual number of

H. B. No. 13—An act to sub-divide the judicial districts of Washington Territory, and provide places for holding Courts therein,

As amended and passed by Council, were ordered printed for the use of the Council.

On motion of Mr. Joslyn,

The vote by which the Council passed C. J. R. No. 5, creating a joint select committee to visit the Territorial university was reconsidered.

Mr. Joslyn moved to reconsider the vote ordering said joint resolution to a third reading, with a view of offering an amendment thereto, pending which,

On motion of Mr. Smith of Thurston,

Laid upon the table.

On motion of Mr. Smith, of Thurston,

Adjourned until Monday morning at 11 o'clock.

ELWOOD EVANS,
*Chief Clerk.*

COUNCIL CHAMBER,
*Monday, October* 30, 1871.

Council met pursuant to adjournment.

Mr. President in the chair.

Roll called.

Present—Messrs. Calhoun, Foster, Huntington, Joslyn, McReavy, O'Bryant, Smith, Stewart and Mr. President.

Prayer by the Chaplain.

Journals of Friday and Saturday, October 20 and 21, read and approved.

On motion of Mr. Smith of Thurston,

Council adjourned.

ELWOOD EVANS,
*Chief Clerk.*

---

## JOINT CONVENTION OF LEGISLATIVE ASSEMBLY.

---

HOUSE OF REPRESENTATIVES,
*Monday, October* 30, 1871.

Pursuant to an act of the Legislative Assembly approved Nov. 27, 1869, entitled "an act providing for the holding of joint convention to elect Territorial officers," the two branches of the Legislative Assembly met in joint convention in the hall of the House of Representatives, at 12 o'clock M., on Monday, the 30th day of October, 1871, the same being the fourth Monday next after the organization of the Legislative Assembly.

The President of the Council in the chair.

Upon calling the roll the following members answered to their names:

OF THE COUNCIL:

Present—Messrs. Calhoun, Foster, Huntington, Joslyn, McReavy, O'Bryant, Smith of Thurston, Stewart and Mr. President.

OF THE HOUSE OF REPRESENTATIVES:

Messrs. Brazee, Barstow, Bigelow, Brewer, Cock, Campbell, Coupe, Cline, Finkbonner, Gray, Gosnell, Hovey, Hinckley, Judson, Kerns, Lasater, Lloyd, Maxwell, Maxon, Moore, McConaha, Noyes, Ping, Scott, Sinclair, Winans, Whetstone and Mr. Speaker.

A quorum being present, the proceedings opened with prayer by Rev. J. R. Thompson, chaplain of the Council.

The President announced the first thing in order to be the election of a Territorial auditor.

On motion of Mr. Bigelow,

The election to be *viva voce.*

Mr. Huntington, of the Council, nominated Nathan S. Porter.

Mr. Van Bokkelen, of the House, nominated William H. Cushman.

Mr. Lasater, of the House, nominated J. M. Murphy.

The following is the vote:

Those voting for N. S. Porter were as follows:

*Of the Council*—Messrs. Huntington, Joslyn, Smith and Mr. President—4.

*Of the House of Representatives*—Messrs. Brazee, Bigelow, Brewer, Cock, Campbell, Coupe, Finkbonner, Hovey, Kerns, Maxwell, Maxon, McConaha, Noyes, Sinclair and Winans—15.

Those voting for Mr. Cushman were:

*Of the Council*—Messrs. Calhoun, Foster, McReavy, O'Bryant and Stewart—5.

*Of the House of Representatives*—Messrs. Barstow, Cline, Gray, Hinckley, Judson, Moore, Ping, Whetstone and Mr. Speaker—9.

Those voting for Mr. Murphy were:

*Of the Council*—None.

*Of the House of Representatives*—Messrs. Gosnell, Lasater, Lloyd and Scott—4.

Whole number of votes cast, 37.

Necessary to a choice, 19.

Of which N. S. Porter received 19 votes, Mr. Cushman 14 votes and Mr. Murphy 4 votes.

Nathan S. Porter having received a majority of all the votes cast was declared duly elected Territorial auditor for the ensuing two years.

The convention next proceeded to the election of a Territorial treasurer.

Mr. Maxon, of the House of Representatives, nominated J. H. Munson.

Mr. Van Bokkelen, of the House of Representatives, nominated A. A. Phillips.

The following is the vote:

Those voting for Mr. Munson were:

*Of the Council*—Messrs. Huntington, Joslyn, Smith, and the President—4.

*Of the House of Representatives*—Messrs. Brazee, Bigelow, Brewer, Cock, Campbell, Coupe, Finkbonner, Hovey, Kerns, Maxwell, Maxon, McConaha, Noyes, Sinclair and Winans—15.

Those voting for Mr. Phillips were:

*Of the Council*—Messrs. Calhoun and Stewart—2.

*Of the House of Representatives*—Messrs. Barstow and the Speaker—2.

Those voting for S. D. Howe were:

*Of the Council*—Messrs. Foster, McReavy and O'Bryant—3.

*Of the House of Representatives*—Messrs. Cline, Gray, Gos-

nell, Hinckley, Judson, Lasater, Lloyd, Moore, Ping, Scott and Whetstone—11.

Whole number of votes cast, 37.

Necessary to a choice, 19.

Of which J. H. Munson received 19, Mr. Howe 14, and Mr. Phillips 4.

J. H. Munson was thereupon declared duly elected Territorial treasurer for the ensuing two years.

The convention next proceeded to the election of Territorial librarian.

Mr. Cock, of the House of Representatives, nominated I. V. Mossman.

There being no other nominations for librarian,

On motion of Mr. Van Bokkelen,

Mr. Mossman was declared by acclamation to be elected to said office.

The President thereupon declared said I. V. Mossman to be duly elected Territorial librarian for the ensuing two years.

The convention then proceeded to the election of brigadier general.

Mr. Cline, of the House of Representatives, nominated E. H. McAlmond.

Mr. McConaha, of the House of Representatives, nominated S. W. Hovey.

The following is the vote:

Those voting for Mr. Hovey were:

*Of the Council*—Messrs. Calhoun, Huntington, Joslyn, Smith and the President—5.

*Of the House of Representatives*—Messrs. Barstow, Bigelow, Brewer, Cock, Campbell, Coupe, Finkbonner, Kerns, Maxwell, Maxon, McConaha, Noyes, Sinclair, Winans and Mr. Speaker —15.

Those voting for Mr. McAlmond were:

*Of the Council*—Messrs. Foster, McReavy, O'Bryant and Stewart—4.

*Of the House of Representatives* — Messrs. Brazee, Cline, Gray, Gosnell, Hinckley, Judson, Lasater, Lloyd, Moore, Ping, Scott and Whetstone—12.

Those voting for Mr. Woods were:

*Of the House of Representatives*—Mr. Hovey—1.

Whole number of votes cast, 37.

Necessary to a choice, 19.

Mr. Hovey received 20 votes, Mr. McAlmond 16 and Mr. Woods 1.

Mr. Hovey having received a majority of all the votes cast was declared duly elected brigadier general for the ensuing two years.

The convention proceeded to the election of a quartermaster general.

Mr. Van Bokkelen, of the House of Representatives, nominated J. B. Pray.

Mr. Cock, of the House of Representatives, nominated F. M. Sargent.

The following is the vote:

Those voting for Mr. Sargent were:

*Of the Council*—Messrs. Huntington, Joslyn, Smith and the President—4.

*Of the House of Representatives*—Messrs. Brazee, Barstow, Bigelow, Brewer, Cock, Campbell, Coupe, Finkbonner, Gray, Kerns, Maxwell, Maxon, McConaha, Noyes, Sinclair and Winans—16.

Those voting for Mr. Pray were:

*Of the Council*—Messrs. Calhoun, Foster, McReavy, O'Bryant and Mr. Stewart—5.

*Of the House of Representatives* — Messrs. Cline, Gosnell, Hovey, Judson, Lasater, Lloyd, Moore, Ping, Scott, Whetstone and the Speaker—11.

Mr. Hinckley, of the House of Representatives, voted for Dixie.

Whole number of votes cast, 37.

Necessary to a choice, 19.

Of which Mr. Sargent received 20 votes, Mr. Pray 16, and Dixie 1.

Mr. F. M. Sargent having received a majority of all the votes cast, was declared duly elected quartermaster general for the ensuing two years.

The convention proceeded to the election of a commissary general.

Mr. Coupe, of the House of Representatives, nominated R. C. Fay.

Mr. Van Bokkelen, of the House of Representatives, nominated J. B. Pray.

The following is the vote:

Those voting for Mr. Fay were:

*Of the Council*—Messrs. Calhoun, Huntington, Joslyn, Smith and the President—5.

*Of the House of Representatives*—Messrs. Brazee, Barstow, Bigelow, Brewer, Cock, Campbell, Coupe, Finkbonner, Hovey, Kerns, Maxwell, Maxon, McConaha, Noyes, Sinclair and Winans—16.

Those voting for Mr. Pray were:

*Of the Council*—Messrs. Foster, McReavey, O'Bryant and Stewart—4.

*Of the House of Representatives*—Messrs. Cline, Gray, Gosnell, Judson, Lasater, Lloyd, Moore, Ping, Scott, Whetstone and Mr. Speaker—11.

Mr. Hinckley, of the House of Representatives, voted for Dixie.

Whole number of votes cast, 37.

Necessary to a choice, 19.

Of which Mr. Fay received 21, Mr. Pray 15, Dixie 1.

R. C. Fay having received a majority of all the votes cast was thereupon declared duly elected commissary general for the ensuing two years.

The convention proceeded to the election of adjutant general.

Mr. Smith, of the Council, nominated Wm. Huntington, and moved the candidate be elected by acclamation.

Motion carried.

Thereupon Wm. Huntington was declared elected adjutant general for the ensuing two years.

The convention proceeded to the election of five regents of the university.

Mr. McConaha, of the House of Representatives, placed in nomination

H. A. Atkins, Dexter Horton, J. T. Jordan, A. A. Denny and E. M. Smithers.

On motion of Mr. Lasater,

The said nominees were declared elected by acclamation as regents.

Thereupon the President declared that said H. A. Atkins, Dexter Horton, J. T. Jordan, Arthur A. Denny, and E. M. Smithers were duly elected regents of the Territorial university for the ensuing two years.

On motion of Mr. Lasater,

The joint convention adjourned.

ELWOOD EVANS,
*Chief Clerk.*

---

COUNCIL CHAMBER,
*Tuesday, October* 24, 1871.

Council met pursuant to adjournment.

Mr. President in the chair.

On calling the roll the following members answered to their names:

Present—Messrs. Calhoun, Foster, Huntington, Joslyn, Mc-

Reavy, O'Bryant, Smith of Thurston, Stewart and Mr. President.

Prayer by the Chaplain.

Journal of yesterday read and approved.

REPORTS OF STANDING COMMITTEES.

Mr. Calhoun, from the committee on Federal Relations, made the following report:

MR. PRESIDENT:

Your committee on Federal Relations, to whom was referred H. M. No. 1—Relative to the free navigation and improvement of Skagit river in Washington Territory,

Have had the same under consideration and beg leave to report the memorial back to the Council and recommend its passage.

Respectfully submitted,

GEO. V. CALHOUN,

*Chairmau.*

PROPOSITIONS AND MOTIONS.

Mr. Joslyn in the chair.

Mr. Smith of Thurston introduced

C. J. R. No. 6—Relative to visit of university by Joint Committee of the Legislative Assembly.

Resolution read first time.

No objections being made, resolution read a second time by title.

On motion of Mr. Smith of Thurston,

Now was assigned as the time for the third reading of the resolution.

Resolution read a third time and passed.

Mr. Calhoun, of Jefferson, introduced

C. B. 17—An act defining the jurisdiction and practice in the probate courts of Washington Territory.

Bill read first time.

No objections being made, read second time now, by title, and

On motion of Mr. Calhoun,

Referred to committee on Judiciary with instructions to have it printed.

Mr. Calhoun, of Jefferson, introduced

C. B. No. 18—An act relating to justices of the peace and their jurisdiction.

Bill read first time.

No objections being made, the bill was read second time by title, and

On motion of Mr. Calhoun,

Referred to committee on Judiciary.

BILLS, REPORTS AND OTHER BUSINESS ON THE TABLE.

Report of committee on Federal Relations on H. M. No. 1, relative to the free navigation and improvement of Skagit river in Washington Territory.

On motion of Mr. Smith of Thurston,

Now was assigned as time for third reading.

Memorial read third time and passed.

On motion of Mr. Foster,

The Council adjourned until 11 o'clock A. M. to-morrow.

ELWOOD EVANS,
*Chief Clerk.*

COUNCIL CHAMBER,
*Wednesday, November* 1, 1871.

Council met pursuant to adjournment.

Mr. President in the chair.

Upon calling the roll the following members answered to their names:

Present—Messrs. Calhoun, Foster, Huntington, Joslyn, McReavy, O'Bryant, Smith of Thurston, Stewart, and Mr. President.

Prayer by the Chaplain.

Journal of yesterday read and approved.

REPORTS OF STANDING COMMITTEES.

Mr. Calhoun, chairman of committee on Claims, made the following report:

MR. PRESIDENT—

Your committee on Claims, to whom was referred the claim of James Huntington & Son, for keeping the insane and idiotic of the Territory, after the expiration of their contract, have had the same under consideration, and agreeably to the instruction of the Council to report by bill, report the accompanying bill appropriating $974 03, entitled "an act for the relief of Huntington & Son."

Respectfully submitted,
GEO. V. CALHOUN,
*Chairman.*

The Select committee to whom was referred

H. B. No. 21—An act in relation to Territorial convicts,

Through their chairman, Mr. Huntington, submitted a majority report concurred in by Messrs. McReavy and Foster of said committee, and a minority report by Mr. Huntington, of said committee.

The majority report is as follows:

MR. PRESIDENT—

The majority (Messrs. McReavy and Foster) of the Select committee to whom was referred

H. B. No. 21—An act in relation to Territorial convicts,

Have instructed me to report the following amendments to said bill:

In section seven, line two, after "of," insert "one dollar and twenty-five cents per day when such convict shall not work," and after "convict" insert "when at work." The section as amended, to read:

SEC. 7. For boarding, keeping and paying all guards necessary, the sheriff or keeper shall receive the sum of one dollar and twenty-five cents per day when such convict shall not work, two dollars per day for each convict when at work, and an additional sum not to exceed the sum of fifty dollars for clothing and bedding per annum.

Also amend in section eight, line three, after the word "received," insert "the number of day's labor," and the section as amended will read:

SEC. 8. Each sheriff, jailor or keeper of Territorial convicts shall keep a correct account of all funds received from the proceeds of convict labor, and make return thereof under oath, specifying amount received, the number of day's labor, for whom performed, the expenses of keeping, and that for the period covered by said return he has kept said convicts employed to the best interest of the Territory, to the Territorial auditor quarterly, on the first days of June, September, December and March of each year.

And with these amendments, recommend the passage of said bill.

WM. HUNTINGTON,
*Chairman.*

The minority report of said Select committee is as follows:

MR. PRESIDENT—

The undersigned, minority of the Select Committee to whom was referred H. B. No. 21, an act in relation to Territorial con-

victs, has duly considered said bill and begs leave to submit a substitute for said House bill, entitled Council substitute for H. B. No. 21, an act in relation to Territorial convicts.

WM. HUNTINGTON,
*Chairman.*

Message from the House by their Chief Clerk, in the following words:

HOUSE OF REPRESENTATIVES,
*November* 1, 1871.

MR. PRESIDENT—

I am instructed by the House to inform the Council of the introduction in the House of the following:

H. B. No. 57—An act to amend an act to incorporate the city of Seattle.

H. B. No. 58—An act to amend an act entitled an act to regulate the proceedings in civil cases.

H. B. No. 59—An act to transfer certain Territorial funds into the county treasury of Stevens county.

H. B. No. 60—An act for the relief of I. V. Mossman.

H. B. No. 61—An act to amend an act entitled an act establishing a common school system for the Territory of Washington.

H. B. No. 62—An act authorizing the Territorial auditor to contract for the Rinquest patent shackle.

Also of the passage in the House of

C. J. R. No. 5—Creating Joint Select committee to visit Territorial university.

Also of the appointment of Messrs. Maxon, Cline, Lasater, Finkbonner and Hovey, as committee on the part of the House of Representatives.

Also of the introduction and passage of

H. J. M. No. 2—Praying for an appropriation for constructing a road from Seattle to Bellingham bay.

H. J. R. No. 4—Relative to payment of Rev. J. F. Devore

for services as chaplain rendered at third session of Washington Territory legislature.

W. S. BAXTER,
*Chief Clerk.*

PROPOSITIONS AND MOTIONS.

On motion of Mr. Smith of Thurston,

C. B. No. 12—An act to regulate marriage,

Was taken from the table.

On motion of Mr. Smith of Thurston,

Now was assigned as the time for third reading of the bill.

Bill read third time, passed and title agreed to.

BILLS, REPORTS AND OTHER BUSINESS ON TABLE.

Report of committee on Claims.

First reading of

C. B. 19—An act for the relief of Huntington & Son.

No objections being made, the bill was read second time by title.

On motion of Mr. Huntington,

Saturday, Nov. 11, 1871, was assigned as the time for third reading of the bill.

Majority and minority reports of Select committee to whom was referred

H. B. 21—An act in relation to Territorial convicts.

On motion of Mr. McReavy,

Both reports laid upon the table and ordered printed.

BUSINESS FROM THE HOUSE.

The President announced the appointment of Messrs. Smith of Thurston, Joslyn and Foster on the part of the Council, under

C. J. R. 6—Relative to visit to Territorial University by a joint committee of the Legislative Assembly.

Mr. Calhoun in the chair.

H. J. R. 4—Relative to payment of Rev. J. F. Devore for services as chaplain at third session of Legislative Assembly of Washington Territory.

On motion of Mr Foster,

The rules were suspended and the resolution was read second time.

On motion of Mr. Smith of Thurston,

Now assigned as time for third reading.

Resolution read third time, passed and title agreed to.

H. M. 2—Praying an appropriation for a road from Seattle to Bellingham Bay.

Memorial read first time, as follows:

*To the Honorable Senate and House of Representatives of the United States in Congress assembled:*

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent that at the present time there is no means of communication between Seattle, on Puget Sound, and Bellingham Bay, except by water; that the travel by water between the above mentioned points is at all times attended with much difficulty and delay, especially in the winter season; that a road, by land, can be made over a much shorter route and through a large extent of valuable farming land, by which means said land would be easy of access for immigration and cause a rapid settlement of the same, as the road passes through a portion of the Territory well adapted to agriculture; that the present mode of conveyance by water, is too expensive for the immigrant to incur in the transportation of teams, stock, &c.

Your memorialists would further state that some years since there was a military road laid out between Fort Steilacoom and Fort Bellingham, and labor performed on the same on the end near Steilacoom.

Wherefore, your memorialists would respectfully pray your honorable bodies to pass an act appropriating the sum of twenty

thousand dollars to be applied in the construction of that portion of the military road between Seattle and Bellingham Bay.

On motion of Mr. Foster,

The rules were suspended and the memorial was read second time.

On motion of Mr. Smith of Thurston,

Now was assigned as the time for the third reading of the memorial.

Memorial read third time and passed.

On motion of Mr. McReavy,

The clerk was instructed to report forthwith all finished business to the House of Representatives.

On motion of Mr. Foster,

Council adjourned.

ELWOOD EVANS,
*Chief Clerk.*

---

COUNCIL CHAMBER,
*Saturday, November* 11, 1871.

Council met pursuant to adjournment.

Mr. President in the chair.

Roll called.

Present—Messrs. Calhoun, Foster, Huntington, Joslyn, McReavy, O'Bryant, Smith, Stewart and Mr. President.

Prayer by the Chaplain.

Journal of Wednesday, November 1, read and approved.

Mr. Smith, of Thurston, of the Joint Select committee to

visit the Territorial university, asked that the said committee have until Monday, Nov. 20, to make their report.

On motion of Mr. Stewart,

Adjourned until Monday morning at 11 o'clock.

ELWOOD EVANS,
*Chief Clerk.*

---

COUNCIL CHAMBER,
*Monday, November* 13, 1871.

Council met pursuant to adjournment.

Mr. President in the chair.

On calling the roll the following members answered to their names:

Messrs. Calhoun, Foster, Huntington, McReavy, O'Bryant, Smith of Thurston, Stewart, Joslyn, and Mr. President.

Prayer by the Chaplain.

Journal of Saturday read and approved.

REPORTS OF COMMITTEES.

Mr. Smith of Thurston, from committee on Judiciary, made the following report:

MR. PRESIDENT—

The committee on Judiciary, to whom was referred

H. B. No. 4—An act to amend an act entitled "an act relative to crimes and punishments and proceedings in criminal cases,"

Beg leave to report that in their opinion said bill is not drawn in a constitutional manner within the meaning of the organic act of this Territory. Your committee would therefore recommend that section one of said bill be so amended as to read as follows:

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section one hundred and eight of the act entitled "an act relative to crimes and punishments and proceedings in criminal cases," approved Dec. 2, 1859, be so amended as to read as follows: "That every master, mate, or other officer, or other person belonging to or in charge of any vessel, who shall discharge or cause to be discharged the ballast of such vessel into the navigable portions or channels of any of the inlets, bays, harbors or rivers within or bordering upon this Territory, where the water is less than fifteen fathoms deep, shall on conviction thereof be fined in any sum not exceeding one thousand dollars: *Provided,* That nothing in this act shall be so construed as to prevent any such person from discharging ballast from such vessel on the beach, or at above half tide in all waters where the tide ebbs and flows; and that no ballast shall be discharged on any of the flats included within the boundary of any town site or extension thereof."

By the language of the organic act, a bill shall refer to one object and that shall be clearly expressed in its title. Your committee therefor recommend that the title be amended to read "an act prescribing the penalty for the discharge of ballast into the navigable waters of this Territory."

E. L. SMITH,
*Chairman.*

Mr. Stewart, chairman of the Select committee consisting of the members from Walla Walla, made the following report:

MR. PRESIDENT—

Your Select committee to whom was referred

H. B. No. 36—An act to regulate the raising of revenue for road purposes in Walla Walla county,

With instructions to amend said bill in fourth section by striking out the word "male" before persons, beg leave to report the said bill, without further amendment, and recommend its passage.

DANIEL STEWART,
*Chairman.*

PROPOSITIONS AND MOTIONS.

On motion of Mr. Smith of Thurston,

Ten o'clock A. M. was fixed as the time for the meeting of the Council until otherwise ordered.

The following message was received from the House by their clerk:

HOUSE OF REPRESENTATIVES,
*November* 13, 1871.

MR. PRESIDENT—

I am instructed by the House to inform the Council of the introduction in the House of

H. B. No. 63—An act to amend an act creating the office of Territorial treasurer.

H. B. No. 64—An act in relation to Territorial treasurer.

H. B. No. 65—An act in relation to Territorial auditor.

H. B. No. 66—An act to repeal an act entitled "an act to provide payment for quartermaster general.

H. B. No. 67—An act making liquor sellers responsible for damages.

H. B. No. 68—An act for the relief of Hill Harmon.

Also the passage in the House of

H. B. No. 57—An act to amend an act to incorporate the city of Seattle.

C. B. No. 5—An act to extend and define the corporate limits of the city of Walla Walla.

Also, that the House of Representatives has refused to concur in the Council amendments to

H. B. No. 13—An act to sub-divide the judicial districts of Washington Territory, and provide places for holding Courts therein,

Also of the passage in the House of

H. J. M. No. 3—Relative to thirteenth light house district.

H. B. No. 40—An act in relation to the sheriffs of Pacific and Stevens county.

H. B. No. 47—An act in relation to dogs.

H. B. No. 48—An act in relation to poisons.

H. B. No. 55—An act conferring upon boards of county commissioners, certain powers in regard to highways.

H. B. No. 58—An act to amend an act entitled an act to regulate the proceedings in civil cases.

Substitute for H. B. No. 6—An act to prevent the destruction of fish in any fresh water streams, creeks or lakes in Washington Territory.

Also that the Speaker of the House of Representatives has signed

H. B. No. 12—An act to divide the Territory into judicial districts.

H. B. No. 33—An act to amend an act entitled "an act to incorporate the town of Tumwater."

H. B. No. 27—An act to amend an act entitled "an act to prevent hogs trespassing in certain counties," approved December 2, 1867.

C. J. R. No. 3—Relative to the condition of the Territorial insane asylum and Territorial penitentiary.

W. S. BAXTER,
*Chief Clerk.*

BILLS, REPORTS AND OTHER BUSINESS ON TABLE.

Report of committee on Judiciary on

H. B. No. 4—An act to amend an act entitled "an act relative to crimes and punishments and proceedings in criminal cases."

On motion of Mr. Joslyn,

Report was adopted.

On motion of Mr. Smith of Thurston,

Bill amended, ordered to be engrossed, and to-morrow assigned as the time for its third reading.

Report of Select committee on

H. B. 36—An act to regulate the raising of revenue for road purposes in Walla Walla county.

On motion of Mr. Calhoun,

Amended in line two of section four, by inserting the word "male" before "persons."

On motion of Mr. O'Bryant,

Now was assigned as the time of third reading of the bill.

Bill read third time, passed and title agreed to.

BUSINESS FROM THE HOUSE OF REPRESENTATIVES.

Non-concurrence of the House in Council amendments to H. B. No. 13—An act to sub-divide the judicial districts of the Territory of Washington and providing places for holding courts therein,

On motion of Mr. Smith of Thurston,

A committee of three was appointed on the part of the Council, to confer with a like committee on the part of the House, upon the disagreement between the Houses on said Council amendments to said H. B. 13.

Messrs. Smith of Thurston, Calhoun and O'Bryant were appointed.

On motion of Mr. Smith, of Thurston,

The clerk was instructed to inform the House of the same.

The following message was received from the House by their clerk:

HOUSE OF REPRESENTATIVES,
*November* 13, 1871.

MR. PRESIDENT—

I am instructed by the House to inform the Council of the passage of

H. B. No. 83—An act to dissolve the bonds of matrimony existing between Wm. P. Smith and Eliza, his wife.

And that the committee on Judiciary, on the part of the House, have been instructed to act as the committee of Conference on the part of the House, on the disagreement between the Houses upon Council amendments to

H. B. No. 13—An act to sub-divide the judicial districts of the Territory of Washington and prescribe the place for holding court therein.

W. S. BAXTER,
*Chief Clerk.*

On motion of Mr. O'Bryant,

The Council proceeded to the consideration of

H. B. No. 83—An act to dissolve the bonds of matrimony heretofore existing between William P. Smith and Eliza, his wife.

Bill read first time.

No objections being made, bill read a second time by title.

On motion of Mr. Foster,

Council adjourned until to-morrow morning at 10 o'clock.

ELWOOD EVANS,
*Chief Clerk.*

---

COUNCIL CHAMBER,
*Tuesday, November* 14, 1871.

Council met pursuant to adjournment.

Mr. President in the chair.

On calling the roll the following members answered to their names:

Present—Messrs. Calhoun, Foster, Huntington, Joslyn, McReavy, O'Bryant, Smith of Thurston, Stewart and Mr. President.

Prayer by the Chaplain.

Journal of yesterday read and approved.

REPORTS OF STANDING COMMITTEES.

Mr. McReavy from the committee on Enrolled Bills, made the following report:

MR. PRESIDENT—

Your committee have compared and find correctly enrolled the following:

H. B. No. 19—An act to regulate the times of holding the supreme and several district courts of Washington Territory.

H. M. No. 2—Asking an appropriation for a road from Seattle to Bellingham Bay.

H. M. No. 1—Relative to the free navigation and improvement of Skagit river in Washington Territory,

H. J. R. 4—Relative to payment of Rev. J. F. Devore for services as chaplain at third session of Legislative Assembly of Washington Territory.

JOHN McREAVY,
*Chairman.*

Mr. Smith, of the committee on Counties, made the following report:

MR. PRESIDENT—

The committee on Counties to whom was referred

H. B. 44—An act prescribing the manner of locating and changing county seats,

Having had the same under consideration, report it back to the Council with the following recommendations. In view of the fact that many of the counties are as yet but sparsely settled, and centres of population constantly changing, we believe that the enactment of this measure would have the tendency to keep in constant agitation the question of removal of county seats. Your committee would therefor recommend that should any county be desirous of availing itself of provisions similar to those embodied in this bill, it would be better to introduce a special law applicable only to such county.

Your committee would therefore recommend that H. B. No. 44 be indefinitely postponed.

E. L. SMITH,
*Chairman.*

PROPOSITIONS AND MOTIONS.

Mr. Huntington in the chair.

Mr. Calhoun, of Jefferson, introduced

C. B. No. 20—An act for the relief of Al. Pettygrove.

Bill read first time.

No objection being made, bill read a second time, by title.

On motion of Mr. Joslyn,

Referred to committee on Claims.

Mr. Smith of Thurston introduced

C. B. No. 21—An act to amend an act entitled an act to provide for the election of county commissioners and defining their duties.

Bill read first time.

No objection being made, the bill was read second time by title.

On motion of Mr. Calhoun,

Referred to committee on Elections.

Mr. Stewart, of Walla Walla, introduced

C. B. No. 22—An act modifying the law relating to estrays in the county of Walla Walla.

Bill read first time.

No objections being made, bill was read second time now by title.

On motion of Mr. Foster,

Referred to a Select committee consisting of the members from Walla Walla county.

Mr. O'Bryant, from Walla Walla, introduced

C. M. No. 1—Praying Congress to appropriate $60,000 for removing obstructions from the upper Columbia river between Celilo and Wallula.

The memorial is as follows:

*To the Honorable Senate and House of Representatives of the United States in Congress Assembled:*

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent that owing to natural obstructions in the Columbia river between Celilo and Wallula, it is navigable during the fall of the year, and after the crops are ready for market, only to boats of a small class; and that there being insufficient for their transportation to market, the productions of the country necessarily remain in store from

harvest time to the high water of the following spring; that it is estimated upon actual surveys by competent persons, that an expenditure of $60,000 would remove all obstructions to navigation throughout the season, by boats of sufficient capacity to supply the wants of the country.

The importance of the country to be affected by this improvement may be judged from the fact that the single county of Walla Walla is estimated at this time to contain between eight and ten thousand population, and has produced the past season some 400,000 bushels of wheat, 250,000 bushels of oats and barley, 300 tons of potatoes, and 300 tons of grapes and peaches.

Your memorialists believing that this improvement would insure the rapid settlement of the entire country lying east of the Cascade range of mountains, and materially contribute to the wealth of the nation within a very few years, respectfully pray that an appropriation of said amount (sixty thousand dollars) may be made by your honorable bodies, for removing rocks and obstructions from the upper Columbia river between Celilo and Wallula.

And as in duty bound, your memorialists will ever pray.

Memorial read first time.

No objections being made, memorial read second time now, by title, and

On motion of Mr. Stewart,

Referred to Committee on Commerce.

On motion of Mr. Foster,

H. B. No. 83—An act to dissolve the bonds of matrimony existing between Wm. P. Smith and Eliza, his wife.

On motion of Mr. Foster,

Now was assigned as the time for third reading of the bill.

Bill read third time, passed and title agreed to.

On motion of Mr. Foster,

The clerk was instructed to report the passage of the above to the House.

On motion of Mr. Smith of Snohomish,

C. B. No. 13—An act defining the rights of persons and property as affected by marriage,

Was taken from the table.

Mr. Smith, of Snohomish, then offered some amendments to said bill, which were severally adopted.

On motion of Mr. Smith of Thurston,

Laid on the table and ordered printed.

The following message was received from the House by their chief clerk:

HOUSE OF REPRESENTATINES,
*Tuesday, November* 14, 1871.

MR. PRESIDENT—

I am instructed by the House to inform the Council of the introduction in the House of the following:

H. B. No. 69—An act to repeal an act entitled an act defining the rights of husband and wife.

H. B. No. 70—An act to change the name of Almanson Morey to Almanson Lovelace.

H. B. No. 71—An act to amend an act entitled an act authoring the settlement of estates of persons dying intestate without administration.

H. B. No. 72—An act for the relief of the sheriff of Thurston county.

H. B. No. 73—An act authorizing the county commissioners of Kitsap county to transcribe the records of said county.

H. B. No. 74—An act empowering the Governor to suspend or remove Territorial officers and fill vacancies in certain cases.

H. B. No. 75—An act for the relief of R. H. Hewitt."

H. B. No. 76—An act in relation to crimes and punishments.

H. B. No. 77—An act to authorize Frank Clark to dispose of certain property by lottery or raffle.

H. B. No. 78—An act to incorporate the young men's Christian association of Olympia.

H. B. No. 79—An act to make perfect titles in Washington Territory.

H. B. No. 80—An act to confirm titles to certain real estate in the city of Walla.

H. B. No. 81—An act to regulate fees and costs of sheriffs in the counties of Kitsap, Snohomish and Jefferson.

H. B. No. 82—An act to change the name of Louisa Victoria Ash to that of Louisa Victoria Foss.

H. B. No. 84—An act to amend an act entitled "an act to incorporate the city of Port Townsend, Jefferson county, W. T.," passed January 16th, 1860, and all subsequent acts amendatory thereto.

H. B. No. 85—An act to make valid imperfect conveyances to land.

H. B. No. 86—An act relative to grand and petit jurors, and prescribing the manner for drawing the same for the counties of Pierce, Pacific and Yakima.

H. B. No. 87—An act entitled "an act to establish pilots and pilot regulations for Juan de Fuca Straits, Puget Sound and all American waters pertaining thereto.

And the introduction and passage of

H. B. No. 88—An act in relation to licenses in the county of Clalm.

Also the passage in the House of Representatives of the following:

H. J. M. No. 4—Praying for the retention of the garrison at Fort Colville.

W. S. BAXTER,
*Chief Clerk.*

Mr. President in the chair.

ENGROSSED BILLS READ A THIRD TIME.

H. B. No. 4—An act prescribing the penalty for the discharge of ballast into the navigable waters of this Territory.

Bill read third time, passed and title agreed to.

BILLS, REPORTS AND OTHER BUSINESS ON TABLE.

Report of committee on Counties on

H. B. No. 44—An act to prescribe the manner of changing and locating county seats,

Recommending the indefinite postponement of the bill,

On motion of Mr. Foster,

The report of the committee was adopted and the bill indefinitely postponed.

BUSINESS FROM THE HOUSE OF REPRESENTATIVES.

The President gave notice that he was about to sign the following:

H. B. No. 12—An act to divide the Territory into judicial districts.

H. B 27—An act to amend an act entitled "an act to prevent hogs trespassing in certain counties," approved December 2, 1867.

H. B. No. 33—An act to amend an act entitled "an act to incorporate the town of Tumwater."

H. J. R. No. 1—As to waiting upon Governor.

H. J. R. No. 2—As to the adoption of the joint rules and orders.

C. J. R. No. 3—Relative to the condition of the Territorial insane asylum and Territorial penitentiary.

H. B. No. 6—An act to prevent the building of fish traps in fresh water streams in the Territory.

Bill read first time.

No objections being made, bill read second time by title, and

On motion of Mr. McReavy,

Referred to committee on Commerce.

H. B. No. 40—An act in relation to the sheriffs of Pacific and Stevens county.

Bill read first time.

No objections being made, read second time now, by title, and

On motion of Mr. Stewart,

Referred to committee on Rules and Orders.

H. B. No. 47—An act in relation to dogs.

Bill read first time.

No objections being made, the bill was read second time by title, and

On motion of Mr. Foster,

Referred to committee on Agriculture.

H. B. 48—An act in relation to poisons.

Bill read first time.

No objections being made, the bill was read second time by title.

On motion of Mr. Smith of Thurston,

Referred to Committee on Claims.

H. B. No. 55—An act conferring upon boards of county commissioners, certain powers in regard to highways.

Bill read first time.

No objection being made, bill read second time, by title.

On motion of Mr. Calhoun,

Referred to committee on Roads and Highways.

H. B. No. 57—An act to amend an act to incorporate the city of Seattle.

Bill read first time.

No objection being made, bill read second time, by title.

Mr. Foster moved to assign now as the time for third reading of the bill, pending which,

On motion of Mr. Foster,

Referred to committee on Judiciary.

H. B. No. 58—An act to amend an act entitled an act to regulate the proceedings in civil cases.

Bill read first time.

No objections being made, bill read a second time, by title.

On motion of Mr. Calhoun,

Referred to committee on Judiciary.

H. B. No. 88—An act in relation to licenses in the county of Clalm.

Bill read first time.

No objection being made, bill read a second time, by title.

On motion of Mr. Calhoun,

Now was assigned as time for third reading.

Read third time by title, passed and title agreed to.

H. J. M. No. 3—Relative to thirteenth light house district.

Memorial read first time.

No objection being made, memorial read second time, now, by title, and

On motion of Mr. McReavy,

Now assigned as time for third reading.

Memorial read third time and passed.

H. M. No. 4—Praying for the retention of the garrison at Fort Colville, is as follows:

*To the Honorable Secretary of War of the United States:*

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent that the county of Stevens embraces within its boundaries nearly one-half of Washington Territory, being two hundred miles in length and one hundred and fifty in breadth, and containing thirty thousand square miles; that it is inhabited by the Spokan, Cour d'Alene, Isle d'Pierre, San Poel, Okanagan, Lake, Colville, and Callispel tribes of Indians, in all numbering about forty-five hundred; that Colville valley contains one hundred and twenty-seven white settlers, with thirty women, and one hundred and seventeen children, and that there are scattered in various settlements here and there, in other parts of the county, one hundred and thirty-seven white settlers, with forty women and one hundred and fourteen children; that no treaty has ever been made by the United States with the Indians of Stevens county, or have they ever been placed on reservations; that Fort Colville is a military post of the United States garrisoned by a single company of infantry, and situated at a distance of two hundred miles from

the settled portions of Washington Territory east of the Cascade mountains; that the Indians inhabiting Stevens county have heretofore been kept in check, owing to the presence of this small body of troops (since their defeat by the late General George Wright) but that when lately it was rumored the troops would be removed, they became emboldened and openly announced their intention of driving out the white settlers and taking possession of their property as soon as the removal of the troops was accomplished; that the settlers of Colville valley would be unable to protect themselves, and would be compelled to abandon their farms on which they have expended many years of toil, were the troops removed; that the settlers in other parts of the county, except possibly those living near the county of Walla Walla, would likewise be driven from their homes by the Indians, and that hostilities between the whites and Indians would almost necessarily follow the removal of the troops; that in anticipation of the Northern Pacific railroad passing across Stevens county, settlers are immigrating to it very rapidly, and that in the opinion of your memorialists, the military post already established by the government, with its garrison, should be continued until the settlers are numerous enough to protect themselves and to convince the Indian tribes living in that county that any resistance to immigration or hostilities to the white population would be futile.

Wherefore, your memorialists would respectfully and earnestly ask that the post at Fort Colville remain garrisoned as at present, till the increase of the population of the county may render the same no longer necessary to the safety of the inhabitants.

Memorial read first time.

No objections being made, memorial read second time, now, by title, and

On motion of Mr. Calhoun,

Referred to committee on Military Affairs.

On motion of Mr. Foster,

Council adjourned.

ELWOOD EVANS,
*Chief Clerk.*

COUNCIL CHAMBER,
*Wednesday, November* 15, 1871.

Council met pursuant to adjournment.

Mr. President in the chair.

Upon calling the roll the following members answered to their names:

Present—Messrs. Calhoun, Foster, Huntington, Joslyn, McReavy, O'Bryant, Smith of Thurston, Stewart, and Mr. President.

Prayer by the Chaplain.

Journal of yesterday read and approved.

REPORTS OF COMMITTEES.

Mr. Huntington, chairman of committee on Commerce, made the following report:

MR. PRESIDENT—

The committee on Commerce, to whom was referred

Substitute for H. B. No. 6—An act to prevent the destruction of fish in any fresh water streams, creeks or lakes in Washington Territory,

Have had the same under consideration and have instructed me to report it back without amendment and recommend its passage.

WM HUNTINGTON,
*Chairman.*

Mr. Smith, chairman of the committee on Ways and Means, made the following report:

MR. PRESIDENT—

Your committee on Ways and Means, to whom was referred

C. B. No. 2—An act providing for the appointment of a resident physician for the insane asylum and prescribing his duties,

Report the same back and recommend the following amendments:

Amend section one by striking out after the word "Governor," the words "be and is" and inserting "chief justice and Territorial Auditor are."

Amend section five by filling blank with the words "three hundred."

Amend section six by filling blank with the words "twelve hundred," and after the word "Governor" in same section, insert the words "chief justice and Territorial auditor."

Your committee would recommend the passage of the bill with the foregoing proposed amendments.

E. L. SMITH,
*Chairman.*

Mr. Smith of Thurston, from committee on Judiciary, made the following report:

MR. PRESIDENT—

The committee on Judiciary, to whom was referred

H. B. No. 57—An act to amend an act entitled "an act to incorporate the town of Seattle,"

Report the same back to the Council without recommendation.

E. L. SMITH,
*Chairman.*

Mr. McReavy, from committee on Agriculture, made the following report:

MR. PRESIDENT—

The committee on Agriculture to whom was referred

H. B. No. 47—An act in relation to dogs,

Have had the same under consideration and beg leave to report the same back to the Council with the following amendments:

After the word "larceny," in line five, insert "the owners of said dogs shall be liable for all damages done by said dogs and shall pay taxes thereon as for other personal property."

JOHN McREAVY,
*Chairman.*

Mr. Stewart, chairman of the Select committee consisting of the members from Walla Walla, made the following report:

MR. PRESIDENT—

Your Select committee to whom was referred

C. B. No. 22—An act modifying the law relating to estrays in the county of Walla Walla,

Have had the same under consideration, and have instructed me to report the same back and recommend its passage.

DANIEL STEWART,
*Chairman.*

The following message was received from the House by their clerk:

HOUSE OF REPRESENTATIVES,
*November* 15, 1871.

MR. PRESIDENT—

I am instructed by the House to inform the Council of the introduction in the House of

H. B. 89—An act to amend the corporate laws of the town of Olympia.

H. B. No. 90—An act to make valid the location of the Territorial road from Boisfort prairie, in Lewis county, intersecting the military road at a point above Henry Jackson's in Cowlitz county.

H. B. No. 91—An act relating to stock marks.

H. B. No. 92—An act relating to county auditors of Island and Snohomish counties.

Also of the passage in the House of

Substitute for H. B. No. 26—An act to prevent stud horses, stud mules, jackasses or ridglings from running at large.

H. B. No. 46—An act to amend an act entitled "an act in relation to roads, ferries, bridges and travel on public highways,"

H. B. No. 54—An act concerning fences.

H. B. No. 60—An act for the relief of I. V. Mossman.

H. B. No. 82—An act to change the name of Louisa Victoria Ash to that of Louisa Victoria Foss.

H. B. No. 92—An act relating to the county auditors of Island and Snohomish counties.

C. B. No. 14—An act for the preservation of certain game birds

Also that the Speaker of the House of Representatives has signed

H. B. No. 19—An act to regulate the times of holding the supreme and several district courts of Washington Territory.

H. M. No. 1—Relative to the free navigation and improvement of Skagit river in Washington Territory,

H. J. M. No. 2—Praying for an appropriation for constructing a road from Seattle to Bellingham bay.

H. J. R. 4—Relative to payment of Rev. J. F. Devore for services as chaplain at third session of Legislative Assembly of Washington Territory.

W. S. BAXTER,
*Chief Clerk.*

PROPOSITIONS AND MOTIONS.

Mr. Smith of Thurston introduced

C. B. No. 23—An act in relation to private seals.

Bill read first time.

No objections being made, bill read second time by title, and

On motion of Mr. Smith of Thurston,

Laid upon table and ordered printed.

REPORTS AND OTHER BUSINESS ON TABLE.

Report of committee on Commerce.

H. B. No. 6—An act to prevent the building of fish traps in fresh water streams in the Territory.

On motion of Mr. Smith of Thurston,

Now was assigned as the time of third reading of the bill.

Bill read third time, passed and title agreed to.

Report of Committee of Ways and Means, with amendments to

C. B. No. 2—An act providing for the appointment of a resident physician for the insane asylum and prescribing his duties.

On motion of Mr. Smith of Thurston,

Report was adopted.

Mr. Stewart moved to strike out "chief justice and Territorial auditor" where they occur, pending which,

On motion of Mr. McReavy,

Laid upon the table.

Report of committee on Judiciary on

H. B. No. 57—An act to amend an act to incorporate the city of Seattle.

On motion of Mr. Foster,

Now was assigned as the time for the third reading of the bill.

Read third time, passed and title agreed to.

Report of committee on Agriculture, with amendments to

H. B. No. 47—An act in relation to dogs.

On motion of Mr. O'Bryant,

Report of committee was adopted.

On motion of Mr. Stewart,

Bill ordered to be engrossed, and to-morrow assigned as the time for its third reading.

Report of Select committee, Walla Walla delegation, on

C. B. No. 22—An act modifying the law relating to estrays in the county of Walla Walla.

On motion of Mr. O'Bryant,

Now was assigned as the time for third reading of the bill.

Bill read a third time, passed and title agreed to.

On motion of Mr. McReavy,

The Council proceeded to the consideration of majority and minority reports on

H. B. No. 21—An act in relation to Territorial convicts.

Mr. McReavy moved to adopt the majority report, pending which,

On motion of Mr. Stewart,

Made the special order for Thursday, November 16, 1871.

On motion of Mr. Huntington,

The Council proceeded to the consideration of bill entitled C. B. 19—An act for the relief of Huntington & Son.

On motion of Mr. Huntington,

Strike out after word "cents," in section two, and insert "in conformity with an act entitled an act to provide for the payment of the costs and expenses of keeping and maintaining the insane and idiotic persons in Washington Territory, passed January 30, 1864."

On motion of Mr. Smith of Thurston,

Bill ordered to be engrossed and to-morrow assigned as the time for third reading of the bill.

The President gave notice that he was about to sign the following:

H. B. No. 19—An act to regulate the times of holding the supreme court and the several district courts of Washington Territory.

H. J. R. No. 4—Relative to payment of Rev. J. F. Devore for services as chaplain rendered at third session of Washington Territory legislature.

H. M. No. 2—Asking an appropriation for a road from Seattle to Bellingham Bay.

Memorial relative to the free navigation of the Skagit river.

On motion of Mr. Smith of Thurston,

Council adjourned.

ELWOOD EVANS,
*Chief Clerk.*

COUNCIL CHAMBER,
*Thursday, November* 16, 1871.

Council met pursuant to adjournment.

Mr. President in the chair.

On calling the roll the following members answered to their names:

Messrs. Calhoun, Foster, Huntington, Joslyn, McReavy, O'Bryant, Smith of Thurston, Stewart and Mr. President.

Prayer by the Chaplain.

Journal of Wednesday read and approved.

PETITIONS.

Mr. Joslyn presented the petition of John C. Story and 88 others, and also the petition of Geo. W. Rowland and 17 others, all citizens of Klikitat county, praying for the passage of a law authorizing the voters of said county to locate their county seat, by popular vote at the next general election.

Petitions read and laid upon table.

REPORTS OF STANDING COMMITTEES.

Mr. McReavy from the committee on Enrolled Bills, made the following report:

MR. PRESIDENT—

Your committee have compared and find correctly enrolled the following:

H. B. No. 83—An act to dissolve the bonds of matrimony heretofore existing between William P. Smith and Eliza, his wife.

JOHN McREAVY,
*Chairman.*

Mr. Huntington, chairman of the Committee on Commerce, made the following report:

MR. PRESIDENT—

Your committee on Commerce, to whom was referred

C. M. No. 1—Praying Congress to appropriate $60,000 for removing obstructions from the upper Columbia river between Celilo and Wallula,

Have instructed me to report back said memorial and recommend its passage.

WM. HUNTINGTON,
*Chairman.*

Mr. Joslyn, chairman of the committee on Elections, made the following report:

MR. PRESIDENT—

Your committee on Elections, to whom was referred

C. B. No. 21—An act to amend an act entitled an act to provide for the election of county commissioners and defining their duties,

Have had the same under consideration, and report it back without amendment and recommend its passage.

E. S. JOSLYN,
*Chairman.*

Mr. Calhoun, chairman of committee on Claims, made the following report:

MR. PRESIDENT—

Your committee on Claims, to whom was referred

C. B. No. 20—An act for the relief of Al. Pettygrove,

Have had the same under consideration and find that the services, for the payment of which this act is intended to provide, have been duly rendered.

Your committee beg therefore to report the bill back to the Council and recommend its passage.

Respectfully submitted,
GEO. V. CALHOUN,
*Chairman.*

Message from the House by their Chief Clerk, in the following words:

HOUSE OF REPRESENTATIVES,
*November* 16, 1871.

MR. PRESIDENT—

I am instructed by the House to inform the Council of the introduction in the House of the following:

H. B. No. 93—An act to change the name of Mary E. Fowler to that of Mary E. Phelan.

H. B. No. 94—An act conferring certain powers on the board of commissioners of Chehalis county, W. T.

H. B. No. 95—An act in relation to seals.

Also the passage in the House of Representatives of the following:

Substitute to H. B. No. 77—An act authorizing Frank Clark, of Pierce county, Washington Territory, to dispose of property in the Territory of Washington by lottery or raffle within a certain time.

H. B. No. 93—An act to change the name of Mrs. Mary E. Fowler to that of Mrs. Mary E. Phelan.

H. B. No. 3—An act to amend an act entitled "an act relative to crimes and punishments and proceedings in criminal cases."

W. S. BAXTER,
*Chief Clerk.*

PROPOSITIONS AND MOTIONS.

Mr. Huntington in the chair.

Mr. Smith, of Snohomish, moved to take up

C. B. No. 13—An act defining the rights of husband and wife and in relation to descent and distribution of property.

On motion of Mr. Calhoun,

Amended in section 17, by inserting "or assent" in line one, after "knowledge," and striking out in line two "or against his public remonstrance."

On motion of Mr. Smith of Snohomish,

Strike out section 23 and insert in lieu thereof the following:

SEC. 23. Neither dower nor curtesy shall hereafter accrue.

On motion of Mr. Smith of Snohomish,

Now was assigned as the time for the third reading of the bill.

Bill read third time, passed and title agreed to.

Mr. Joslyn, of Klickitat, introduced

C. B. No. 24—An act relative to the location of the county seat of Klikitat county.

Bill read first time.

No objection being made, bill read a second time, by title.

On motion of Mr. Joslyn,

Referred to committee on Counties.

On motion of Mr. Smith, of Snohomish,

C. B. No. 16—An act relating to the descent and distribution of real and personal property was taken up.

On motion of Mr. Smith of Snohomish,

Referred to committee on Education.

Mr. President in the chair.

ENGROSSED BILLS READ A THIRD TIME.

C. B. No. 19—An act for the relief of James Huntington & Son.

Read third time by title, passed and title agreed to.

H. B. No. 47—An act in relation to dogs.

Bill read third time, passed and title agreed to.

BILLS, REPORTS AND OTHER BUSINESS ON THE TABLE.

Report of Committee on Claims.

C. B. No. 20—An act for the relief of Al. Pettygrove,

On motion of Mr. McReavy,

Now was assigned as time for third reading.

Bill read third time, passed and title agreed to.

Report of Committee on Elections.

C. B. No. 21—An act to amend an act entitled an act to provide for the election of county commissioners and defining their duties.

On motion of Mr. Smith of Thurston,

Now assigned as time for third reading.

Bill read third time, passed and title agreed to.

Report of committee on Commerce.

C. M. No. 1—Praying Congress to appropriate $60,000 for removing obstructions from the upper Columbia river between Celilo and Wallula.

On motion of Mr. Huntington,

Now was assigned as the time for the third reading of the memorial.

Memorial read third time and passed.

Mr. McReavy in the chair.

BILLS AND OTHER BUSINESS FROM THE HOUSE.

House amendments to C. B. 14.

Title amended to read "An act for the protection of quails." Pending the question, "Will the Council concur?"

On motion of Mr. Calhoun,

A committee of conference was asked for.

H. B. No. 3—An act to amend an act entitled "an act relative to crimes and punishments and proceedings in criminal cases."

Bill read first time.

No objection being made, the bill was read second time by title.

On motion of Mr. Calhoun,

Referred to Committee on Judiciary.

H. B. No. 46—An act to amend an act entitled "an act in relation to roads, ferries, bridges and travel on public highways."

Bill read first time.

No objections being made, the bill was read second time by title, and

On motion of Mr. Smith, of Thurston,

Referred to committee on Roads and Highways.

H. B. No. 54—An act concerning fences.

Bill read first time.

No objections being made, the bill was read second time by title.

On motion of Mr. Smith of Thurston,

Referred to committee on Agriculture.

H. B. No. 60—An act for the relief of I. V. Mossman.

Bill read first time.

No objection being made, bill read second time, by title.

On motion of Mr. Smith of Thurston,

Now was assigned as the time for third reading of the bill.

Read third time by title, passed and title agreed to.

H. B. No. 77—An act authorizing Frank Clark, of Pierce county, to dispose of property by lottery or raffle within a certain time.

Bill read first time.

Mr. Smith of Thurston, objected to second reading now.

H. B. No. 82—An act to change the name of Louisa Victoria Ash to that of Louisa Victoria Foss.

Bill read first time.

No objections being made, read second time now, by title, and

On motion of Mr. Calhoun,

Now was assigned as the time for third reading of the bill.

Bill read a third time, passed and title agreed to.

H. B. No. 92—An act relating to county auditors of Island and Snohomish counties.

Bill read first time.

No objections being made, bill read a second time, by title.

On motion of Mr. Calhoun,

Referred to committee on Counties.

H. B. No. 93—An act to change the name of Mary E. Fowler to that of Mary E. Phelan.

Bill read first time.

No objection being made, bill read second time, by title.

On motion of Mr. Smith, of Snohomish,

Now was assigned as the time for the third reading.

Bill read third time, passed and title agreed to.

ORDERS OF THE DAY.

C. B. No. 2—An act providing for the appointment of a resident physician for the insane asylum and prescribing his duties.

Pending Mr. Stewart's motion to amend by striking out chief justice and Territorial auditor wherever they occur,

On motion of Mr. Stewart,

Made the order of the day for Friday, Nov. 17.

On motion of Mr. Stewart,

Council adjourned.

ELWOOD EVANS,
*Chief Clerk.*

---

COUNCIL CHAMBER,
*Friday, November* 17, 1871.

Council met pursuant to adjournment.

Mr. President in the chair.

Roll called.

Present—Messrs. Calhoun, Foster, Huntington, Joslyn, McReavy, O'Bryant, Smith of Thurston, Stewart and Mr. President.

Prayer by the Chaplain.

Journal of Thursday read and approved.

PETITIONS, MEMORIALS.

Mr. Foster presented the petition of John Collins and 79 others, qualified electors of King county, praying the amendment of an act entitled "an act in relation to licenses in King county," so as to reduce the rate of license to $300 per annum, and not to be issued for a less term than one year.

On motion of Mr. Foster,

Laid on the table and ordered printed.

REPORTS OF STANDING COMMITTEES.

Mr. O'Bryant, chairman of committee on Military Affairs, made the following report:

MR. PRESIDENT—

Your committee on Military Affairs, to whom was referred H. M. No. 4—Praying for the retention of the garrison at Fort Colville,

Having had the same under consideration, report it back to the Council without amendment and recommend its passage.

H. D. O'BRYANT,
*Chairman.*

Mr. Smith, chairman of the Joint Select committee on conference, made the following report:

MR. PRESIDENT—

The Joint Committee of Conference on the non-concurrence of the House in Council amendment to

H. B. No. 13—An act to sub-divide the judicial districts of the Territory of Washington and providing places for holding courts therein,

Have agreed to concur in Council amendment with the following additional proviso:

*Provided further*, That it shall be lawful to summon the panels of grand and petit jurors exclusively from the particular county in which the term of the said district court shall be held, and it is hereby made the duty of the clerk or clerks of said court or courts, to issue venire to the sheriff of the county in

which the court is to be held, in accordance with the statutes now in force or hereafter to be passed regulating the empaneling of grand and petit jurors.

E. L. SMITH,
*Chairman.*

Message from the House by their chief clerk, in the words following:

HOUSE OF REPRESENTATIVES,
*October* 17, 1871.

MR. PRESIDENT—

I am instructed by the House to inform the Council of the introduction in the House of the following:

H. B. No. 97—An act to organize the county of Whitman.

H. B. No. 98—An act relative to a certain raffle.

H. B. No. 99—An act for the relief of Chas. Prosch & Son.

H. B. No. 100—An act to amend an act relating to county assessors.

H. B. No. 101—An act authorizing the county commissioners of King county to borrow money for the purpose of paying off bonds issued by King county.

Substitute for H. B. No. 32—An act to regulate elections and prescribe the tenure of office therein.

H. B. No. 72—An act for the relief of the sheriff of Thurston county.

H. B. No. 73—An act authorizing the county commissioners of Kitsap county to transcribe the records of said county.

H. B. No. 74—An act empowering the Governor to suspend or remove Territorial officers and fill vacancies in certain cases.

H. B. No. 76—An act in relation to crimes and punishments.

H. B. No. 79—An act to make perfect titles in Washington Territory.

H. B. No. 94—An act conferring certain powers on the board county commissioners of Chehalis county.

H. B. No. 96—An act submitting to the voters of Washington Territory at the next general election a proposition for calling a convention to frame a State constitution and to apply for the admission of the State of Washington into the Union.

H. J. M. No. 6—Praying for mail service from Port Townsend to Coupeville, *via* Ebey's landing.

H. J. M. No. 8—Relative to tide lands of Olympia.

Also that the Speaker of the House of Representatives has signed

H. B. No. 83—An act to dissolve the bonds of matrimony existing between Wm. P. Smith and Eliza, his wife.

W. S. BAXTER,
*Chief Clerk.*

SECOND READING OF BILLS.

H. B. No. 77—An act to authorize Frank Clark to dispose of certain property by lottery or raffle.

Bill read second time.

On motion of Mr. McReavy,

Referred to committee on Corporations.

BILLS, REPORTS AND OTHER BUSINESS ON TABLE.

Report of committee on Military Affairs.

H. J. M. No. 4—Praying for the retention of the garrison at Fort Colville.

On motion of Mr. Foster,

Now was assigned as the time for the third reading of the memorial.

Memorial read third time and passed.

BUSINESS FROM THE HOUSE OF REPRESENTATIVES.

The President gave notice that he was about to sign the following:

H. B. No. 83—An act to dissolve the bonds of matrimony heretofore existing between William P. Smith and Eliza, his wife.

H. B. No. 26—An act entitled an act to prevent certain animals running at large in certain counties.

Bill read first time.

No objections being made, bill was read second time now by title.

On motion of Mr. Stewart,

Amended by inserting "stag" after word "ridgling" wherever it occurs, with corresponding amendment to title.

On motion of Mr. Smith of Thurston,

Referred to committee on Agriculture.

H. B. No. 32—An act to regulate elections and prescribe the tenure of office therein.

Bill read first time.

No objection being made, bill read a second time, by title.

On motion of Mr. McReavy,

Referred to committee on Elections.

H. B. No. 72—An act for the relief of the sheriff of Thurston county.

Bill read first time.

No objections being made, bill read a second time by title.

On motion of Mr. Stewart,

Referred to committee on ways and means.

H. B. No. 73—An act authorizing the county commissioners of Kitsap county to transcribe the records of said county.

Bill read first time.

No objection being made, bill read a second time, by title.

On motion of Mr. McReavy,

Referred to committee on Judiciary.

Mr. Calhoun in the chair.

H. B. No. 76—An act in relation to crimes and punishments.

Bill read first time.

No objections being made, bill read second time by title, and

On motion of Mr. Foster,

Referred to committee on Judiciary.

H. B. No. 79—An act to make perfect titles in Washington Territory.

Bill read first time.

No objection being made, bill read second time, by title.

On motion of Mr. Foster,

Referred to committee on Judiciary.

H. B. No. 94—An act conferring certain powers on the board of commissioners of Chehalis county, W. T.

Bill read first time.

No objections being made, the bill was read second time by title.

On motion of Mr. Smith, of Thurston,

Referred to committee on Territorial Library.

H. B. No. 96—An act submitting to the voters of Washington Territory at the next general election a proposition for calling a convention to frame a State constitution and to apply for the admission of the State of Washington into the Union.

Bill read first time.

No objection being made, the bill was read second time by title.

On motion of Mr. Smith of Thurston,

Referred to committee on Federal Relations.

H. J. M. 6—Praying for mail service from Port Townsend to Coupeville.

H. J. M. No. 6 is as follows:

*To the Honorable Postmaster General of the United States:*

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent that under contract No. 15,412, from Seattle to Whatcom, it takes one week for a letter to go from Port Gamble, Port Ludlow and Port Townsend, to Coupeville.

Your memorialists would therefore respectfully pray that a semi-weekly mail from Port Townsend to Coupeville, *via* Ebey's landing, be established, connecting with the mail between Olympia and Port Townsend, for the following reasons:

First. There is a daily communication between Port Townsend, Port Ludlow, Port Gamble and Seabeck.

Second. The distance between Port Townsend and Ebey's landing is seven miles by water, from Ebey's landing to Coupeville, two and one-half miles by land, making the distance nine and one-half miles.

Your memorialists would further state that by the route asked for, some five hundred persons would be accommodated with more speedy and certain mail facilities. We would therefore respectfully pray that a mail be established between the above mentioned places, and that proposals for carrying the mail be advertised for said service, to commence on the first day of July, 1872.

And as in duty bound, we will ever pray.

Memorial read first time.

No objections being made, memorial read second time, now, by title, and

On motion of Mr. Stewart,

Now was assigned as the time for the third reading of the memorial.

Memorial read third time and passed.

H. J. M. 8—Relative to the tide lands of Olympia.

Said H. J. M. No. 8 reads as follows:

*To the Honorable Senate and House of Representatives of the United States in Congress assembled:*

The memorial of the board of trustees of the town of Olympia, Washington Territory, respectfully represents that said town of Olympia is situated on Budd's Inlet of Puget Sound, in township No. 18, north of range two west, and is a body corporate under the laws of Washington Territory, with all the rights, privileges and duties usually pertaining to town organizations; that fronting the said town of Olympia, but within the corporate limits thereof, and beyond the meander line of the United States land survey, are situate a series of tide flats or overflowed lands, intersected by a narrow, shoal and tortuous channel formed by

Deschute river, at low tide; that said tide flats are completely bare at low water; that they extend from the extreme southernmost point of Budd's Inlet to about one mile north of the extreme point of the mean line of the town plat of the town of Olympia, and contain between one thousand three hundred and one thousand four hundred acres; and the average rise and fall of tides on said flats is nine feet two inches, (Coast pilot, 1869, page 243.) That said tide flats are an impediment to navigation, (ships at low tide not being able to get within one mile of the nearest wharf) and are of no value to the Government, not being saleable as agricultural lands, the tides covering the whole of said flats twice in twenty-four hours.

Your memorialists therefore pray your honorable body to pass an act granting to the said town of Olympia, through its board of trustees and their successors in office, the tide flats in township No. 18, north of range No. two west, comprising the southern extremity of Budd's Inlet, designated within the following described limits, as exhibited by the government surveys, that is to say: Beginning at a point on the eastern shore of Budd's Inlet, where the section line between sections two and eleven intersect the meander shore line of said Inlet; thence southerly, following the meander of said Inlet to near the mouth of Deschute river; thence northerly following the meander of the western shore of said Inlet to the section line dividing sections three and ten; thence east to the place of beginning, containing thirteen hundred and thirty-seven acres; with the express condition, however, that a direct and navigable channel, at least one hundred yards in width, shall be kept free and open forever, to and from the mouth of Deschute's river to the said section line constituting the northern boundary of the grant; that the proceeds of the sale of the said flats shall be applied by the board of trustees or their legal successors, to the improvement of the navigation of the harbor of Olympia, to the building of a railroad, or to the payment of the indebtedness of said town of Olympia, as may be deemed most expedient.

Memorial read first time.

No objections being made, memorial read second time now, by title, and

On motion of Mr. Stewart,

Referred to Committee on Agriculture.

Mr. President in the chair.

On motion of Mr. Huntington,

The Council proceeded to the consideration of majority and minority reports on

H. B. No. 21—An act in relation to Territorial convicts.

Pending the motion of Mr. McReavy to adopt the majority report, the motion of Mr. McReavy was carried and amendments reported by majority of Select committee adopted.

Mr. Calhoun moved to amend in section seven as amended, by striking out "and twenty-five cents" after word "dollar."

On this motion the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Calhoun, Huntington, Joslyn, Stewart and Mr. President—5.

Those voting in the negative were

Messrs. Foster, McReavy, O'Bryant and Smith of Thurston—4.

On motion of Mr. McReavy,

Bill ordered to be engrossed and to-morrow assigned as the time for third reading of the bill.

ORDERS OF THE DAY.

C. B. No. 2—An act providing for the appointment of a resident physician for the insane asylum and prescribing his duties,

Pending the amendment of Mr. Stewart to strike out "chief justice and Territorial auditor" where they occur,

On this question the ayes and noes were called, with the following result:

Those voting in the affirmative were—

Messrs. Calhoun, Foster, McReavy, O'Bryant, and Stewart.—5.

Those voting in the negative were—

Messrs. Huntington, Joslyn, Smith of Thurston and Mr. President—4.

Amendment adopted.

Mr. Smith of Thurston, moved to amend in section one by naming Stacy Hemenway resident physician.

Motion lost.

On motion of Mr. Foster,

Bill considered as engrossed and now assigned as the time of its third reading.

Bill read a third time, passed and title agreed to.

On motion of Mr. Huntington,

Council adjourned until to-morrow morning at 10 o'clock.

ELWOOD EVANS,
*Chief Clerk.*

---

COUNCIL CHAMBER,
*Saturday, November* 18, 1871.

Council met pursuant to adjournment.

Mr. President in the chair.

On calling the roll the following members answered to their names:

Messrs. Huntington, Joslyn, Smith of Thurston, and Mr. President.

Prayer by the Chaplain.

Journal of yesterday read and approved.

REPORTS OF STANDING COMMITTEES.

Mr. O'Bryant, from the committee on Roads and Highways, made the following report:

MR. PRESIDENT—

Your committee on Roads and Highways, to whom was referred

H. B. No. 55—An act conferring upon boards of county commissioners, certain powers in regard to highways,

Have had the same under consideration and have instructed me to report it back without amendment and recommend its passage.

H. D. O'BRYANT,
*Chairman.*

Mr. McReavy, from committee on Agriculture, made the following report:

MR. PRESIDENT—

The committee on Agriculture to whom was referred

H. B. No. 54—An act concerning fences,

Have had the same under consideration, and report it back without amendment and recommend its passage.

JOHN McREAVY,
*Chairman.*

Mr. Smith, of the committee on Counties, made the following report:

MR. PRESIDENT—

The committee on Counties to whom was referred

C. B. No. 24—An act relative to the location of the county seat of Klikitat county.

H. B. No. 73—An act to authorize the county commissioners of Kitsap county to transcribe the records of said county.

H. B. No. 92—An act relating to the county auditors of Island and Snohomish counties.

Have had the same under consideration and beg leave to report them back to the Council without amendment and recommend their passage.

E. L. SMITH,
*Chairman.*

Mr. Calhoun, from the committee on Education, made the following report:

MR. PRESIDENT—

Your committee on Education, to whom was referred

C. B. No. 16—An act in relation to descent and distribution of property,

Have had the same under consideration, and have instructed me to report the same back to the Council, with amendments, and recommend the bill be printed should the proposed amendments be adopted.

Respectfully submitted,

GEO. V. CALHOUN,

*Chairmau.*

Mr. Calhoun, chairman of committee on Claims, made the following report:

MR. PRESIDENT—

Your committee on Claims, to whom was referred

H. B. No. 48—An act in relation to poisons,

Have had the same under consideration and beg leave to report the same back to the Council with the following amendment and recommend its passage: Strike out the whole of section three.

Respectfully submitted,

GEO. V. CALHOUN,

*Chairman.*

Mr. McReavy presented the report of the proceedings of the commissioners to locate the site of the penitentiary of the Territory of Washington.

[See appendix.]

ENGROSSED BILLS READ A THIRD TIME.

H. B. 21—An act in relation to Territorial convicts.

On motion of Mr. Foster,

Read third time by title, passed and title agreed to.

Mr. Smith of Thurston, in the chair.

BILLS AND OTHER BUSINESS FROM THE HOUSE.

Report of committee on Roads and Highways.

H. B. No. 55—An act conferring upon boards of county commissioners, certain powers in regard to highways,

On motion of Mr. McReavy,

Now was assigned as the time for the third reading.

Bill read third time, passed and title agreed to.

Report of committee on Agriculture.

H. B. No. 54—An act concerning fences,

On motion of Mr. Stewart,

Now was assigned as the time for third reading of the bill.

Bill read a third time.

And pending the question "Shall the bill pass?"

Mr. Huntington moved to amend.

On motion of Mr. Huntington,

The vote was reconsidered by which the bill was ordered to third reading.

On motion of Mr. Huntington,

The bill was recommitted to committee on Memorials.

Report of committee on Counties.

C. B. No. 24—An act relative to the location of the county seat of Klikitat county.

On motion of Mr. Joslyn,

Now was assigned as the time for the third reading of the bill.

Bill read third time, passed and title agreed to.

H. B. No. 73—An act authorizing the county commissioners of Kitsap county to transcribe the records of said county.

On motion of Mr. Foster,

Now assigned as time for third reading.

Bill read third time, passed and title agreed to.

H. B. No. 92—An act relating to county auditors of Island and Snohomish counties.

On motion of Mr. Smith of Thurston,

Now was assigned as the time for third reading of the bill.

Bill read a third time, passed and title agreed to.

Report of committee of Education, with amendments to C. B. No. 16—An act relating to the descent and distribution of real and personal property.

On motion of Mr. O'Bryant,

Report of committee was adopted.

On motion of Mr. Foster,

Bill as amended laid on the table and ordered printed.

Report of committee on Claims with amendments to H. B. 48—An act in relation to poisons.

On motion of Mr. Stewart,

Report was adopted.

On motion of Mr. Joslyn,

Now was assigned as the time for the third reading of the bill.

Read third time, passed and title agreed to.

Report of Penitentiary Commissioners under act of 1869.

Laid on the table and ordered printed.

On motion of Mr. Stewart,

Council adjourned.

ELWOOD EVANS,
*Chief Clerk.*

---

COUNCIL CHAMBER,
*Monday, November* 20, 1871.

Council met pursuant to adjournment.

Mr. President in the chair.

On calling the roll the following members answered to their names:

Messrs. Calhoun, Foster, Huntington, McReavy, O'Bryant, Smith of Thurston, Stewart, Joslyn, and Mr. President.

Prayer by the Chaplain.

Journal of Saturday read and approved.

Mr. Smith of Thurston, from committee on Judiciary, made the following report:

MR. PRESIDENT—

The committee on Judiciary, to whom was referred

H. B. No. 58—An act to amend an act entitled an act to regulate the proceedings in civil cases,

Have had the same under consideration, and have instructed me to report the same back and recommend its passage.

E. L. SMITH,
*Chairman.*

Mr. Foster, chairman of committee on Territorial library, made the following report:

MR. PRESIDENT—

Your committee on Territorial library, to whom was referred

H. B. No. 94—An act conferring certain powers on the board county commissioners of Chehalis county,

Having had the same under consideration, report it back to the Council without amendment and recommend its passage.

J. FOSTER,
*Chairman.*

Mr. Calhoun, from the committee on Federal Relations, made the following report:

MR. PRESIDENT—

Your committee on Federal Relations, to whom was referred

H. B. No. 96—An act submitting to the voters of Washington Territory at the next general election a proposition for calling a convention to frame a State constitution and to apply for the admission of the State of Washington into the Union.

Have had the same under consideration and have instructed

me to report the same back to the Council and recommend its passage.

Respectfully submitted,
GEO. V. CALHOUN,
*Chairman.*

Mr. Stewart, chairman of committee on Rules and Orders, made the following report:

MR. PRESIDENT—

Your committee on Rules and Orders, to whom was referred H. B. No. 40—An act in relation to the sheriffs of Pacific and Stevens counties,

Have instructed me to report said bill back and recommend its passage.

Respectfully submitted,
DANIEL STEWART,
*Chairman.*

Message from the House by their chief clerk, in the words following:

HOUSE OF REPRESENTATIVES,
*October* 20, 1871.

MR. PRESIDENT—

I am instructed by the House to inform the Council of the introduction in the House of the following:

H. B. 103—An act to amend an act entitled "an act to regulate the practice and proceedings in civil actions," approved Dec. 2, 1869.

H. B. No. 104—An act to protect the Territorial capitol from fire.

H. B. No. 105—An act to amend an act entitled "an act to incorporate the city of Walla Walla.

H. B. No. 106—An act to amend an act to provide for the assessing and collecting of Territorial and county revenue.

H. B. No. 107—An act to authorize persons accused of crime to be a witness in his or her own behalf.

H. B. No. 108—An act to amend an act entitled "an act to prevent hogs trespassing in certain counties," approved December 2, 1869.

H. B. No. 109—An act to locate a Territorial road from Walla Walla city, in Walla Walla county, to Fort Colville, in Stevens county.

H. B. No. 110—An act to regulate interest on money and the prevention of usury.

H. B. No. 111—An act in relation to sales made by administrators and guardians.

H. B. No. 112—An act to amend an act entitled "an act to amend an act entitled an act relating to elections and the mode of supplying vacancies.

Substitute for H. B. No. 1—An act authorizing the county commissioners of King county to borrow money for said county.

Substitute to C. B. No. 8—An act authorizing A. H. Curtis and others of Klikitat county, W. T., to erect gates on certain public roads.

Also the passage in the House of Representatives of the following:

H. B. No. 59—An act to transfer certain Territorial funds into the county treasury of Stevens county.

H. B. No. 65—An act in relation to Territorial auditor.

H. B. No. 86—An act relative to grand and petit jurors, and prescribing the manner for drawing the same for the counties of Pierce, Pacific and Yakima.

H. B. No. 95—An act in relation to seals.

H. B. No. 100—An act to amend an act relating to county assessors.

H. B. No. 105—An act to amend an act relating to county assessors.

Also that the House has concurred in the amendment made by the Council to

H. B. No. 47—An act in relation to dogs.

Also that the committee of conference on

H. B. No. 13—An act to sub-divide the judicial districts of the Territory of Washington and providing places for holding courts therein,

Have reported to the House the adoption of the bill as amended

by the Council, with an additional proviso thereto which has been adopted by the House.

Also, that the House of Representatives has refused to concur in the Council amendments to

H. B. No. 4—An act to amend an act entitled "an act relative to crimes and punishments and proceedings in criminal cases,"

And have appointed Messrs. Lasater, Hovey and Coupe a committee of Conference on the same.

W. S. BAXTER,
*Chief Clerk.*

PROPOSITIONS AND MOTIONS.

On motion of Mr. Smith of Thurston,

Council took from the table C. B. No. 23, an act in relation to private seals.

On motion of Mr. Smith of Thurston,

Now was assigned as the time of third reading of the bill.

Bill read third time, passed and title agreed to.

Mr. Calhoun, of Jefferson, introduced

C. B. No. 25—An act to enable towns and cities to appropriate lands for streets, roads and alleys.

Bill read first time.

No objection being made, bill read second time, by title.

On motion of Mr. Calhoun,

Referred to committee on Corporations.

BILLS, REPORTS AND OTHER BUSINESS ON TABLE.

Report of committee on Judiciary.

H. B. No. 58—An act to amend an act entitled "an act to regulate the practice in civil actions."

On motion of Mr. Smith of Thurston,

Now was assigned as the time for third reading of the bill.

Read third time by title, passed and title agreed to.

Report of committee on Library.

H. B. No. 94—An act conferring certain powers on the board of commissioners of Chehalis county, W. T.

On motion of Mr. Stewart,

Now was assigned as time for third reading.

Bill read third time, passed and title agreed to.

Report of committee on Federal Relations.

H. B. No. 96—An act submitting to the voters of Washington Territory, at the next general election, a proposition for calling a convention to frame a State constitution and to apply for the admission of the State of Washington into the Union.

On motion of Mr. Smith of Thurston,

Now was assigned as the time for the third reading of the bill.

Bill read third time, passed and title agreed to.

Report of committee on Rules and Orders.

H. B. No. 40—An act in relation to the sheriffs of Pacific, Yakima, Kitsap, Skamania, Whatcom, Snohomish, Clalm and Stevens counties.

On motion of Mr. Huntington,

Referred to Committee on Corporations.

BILLS AND OTHER BUSINESS FROM THE HOUSE.

Mr. Joslyn in the chair.

Disagreement between the Houses on Council amendments to H. B. No. 13—An act to sub-divide the judicial districts of Washington Territory, and provide places for holding courts therein.

On motion of Mr. Smith of Thurston,

The report of the committee of Conference on said disagreement adopted.

Bill as amended by said report, read, passed and title agreed to.

Report of Select Joint committee to visit Territorial university.

On motion of Mr. Smith of Thurston,

Laid upon table and ordered printed.

Non-concurrence by House in Council amendments to

H. B. No. 4—An act to amend an act entitled "an act relative to crimes and punishments and proceedings in criminal cases,"

And requesting a committee of Conference on said disagreement.

The President announced the appointment of Messrs. Smith, McReavy and Joslyn on the part of the Council.

H. B. No. 59—An act to transfer certain Territorial funds into the county treasury of Stevens county.

On motion of Mr. McReavy,

Bill read first time.

No objections being made, read second time now, by title, and

On motion of Mr. Foster,

November 21 was assigned as the time for the third reading of the bill.

H. B. No. 70—An act to change the name of Almanson Morey to Almanson Lovelace.

On motion of Mr. Stewart,

Bill read first time.

No objection being made, bill read second time, by title.

On motion of Mr. Calhoun,

Laid upon the table.

H. B. No. 85—An act relative to grand and petit jurors and prescribing the manner of drawing the same for the counties of Pierce, Pacific, Stevens and Yakima.

On motion of Mr. Smith,

Bill read first time.

No objections being made, the bill was read second time by title.

On motion of Mr. Foster,

Referred to committee on Judiciary.

H. B. No. 95—An act in relation to seals.

On motion of Mr. Smith, of Thurston,

Bill read first time.

No objection being made, the bill was read second time by title.

On motion of Mr. Smith of Thurston,

Referred to Committee on Judiciary.

H. B. No. 100—An act to amend an act entitled "an act relating to county assessors."

On motion of Mr. McReavy,

Bill read first time.

No objections being made, bill read a second time, by title.

On motion of Mr. Foster,

Referred to committee on Corporations.

H. B. No. 105—An act to amend an act entitled "an act to incorporate the city of Walla Walla."

On motion of Mr. O'Bryant,

Bill read first time.

No objection being made, bill read a second time, by title.

On motion of Mr. Smith of Thurston,

Referred to committee on Corporations.

On motion of Mr. Smith of Thurston,

Council adjourned until to-morrow morning at 10 o'clock.

ELWOOD EVANS,
*Chief Clerk.*

COUNCIL CHAMBER,
*Tuesday, November* 21, 1871.

Council met pursuant to adjournment.

Mr. President in the chair.

On calling the roll the following members answered to their names:

Present—Messrs. Calhoun, Foster, Huntington, Joslyn, McReavy, O'Bryant, Smith of Thurston, Stewart and Mr. President.

Prayer by the Chaplain.

Journal of yesterday read and approved.

PETITIONS, MEMORIALS.

Mr. Huntington presented petitions numerously signed by citizens of Clarke and Cowlitz counties, asking that a portion of Clarke county be annexed to Cowlitz county, and that Kalama be made the county seat of said Cowlitz county. Also petitions signed by citizeus of said county, asking for similar action as to boundaries, but referring the location of the county seat to a popular vote at the next general election.

Mr. Joslyn presented remonstrances numerously signed by citizens of Clarke county, against any division of said county of Clarke, or any change in its county lines.

REPORTS OF STANDING COMMITTEES.

Mr. Stewart, of the committee on Corporations, made the following report:

MR. PRESIDENT—

The committee on Corporations, to whom was referred

C. B. No. 25—An act to enable towns and cities to appropriate lands for streets, roads and alleys,

Have had the same under consideration, and report it back without amendment and recommend its passage.

Respectfully submitted,

DANIEL STEWART,

*Chairman.*

Mr. McReavy, from committee on Agriculture, made the following report:

MR. PRESIDENT—

The committee on Agriculture to whom was referred

Substitute for H. B. No. 26—An act to prevent stud horses, stud mules, jackasses or ridglings from running at large,

H. J. M. 8—Relative to the tide lands of Olympia,

Have had the same under consideration and beg leave to report them back to the Council without amendment and recommend their passage.

JOHN McREAVY,

*Chairman.*

Mr. Huntington, chairman of the committee on Memorials, made the following report:

MR. PRESIDENT—

Your committee on Memorials, to whom was referred

H. B. No. 54—An act concerning fences,

Have had the same under consideration and have instructed me to report it back without amendment and recommend its passage.

WM. HUNTINGTON,

*Chairman.*

Mr. Joslyn, chairman of the committee on Elections, made the following report:

MR. PRESIDENT—

Your committee on Elections, to whom was referred

H. B. No. 32—An act to regulate elections and prescribe the tenure of office therein,

Have had the same under consideration and have instructed

me to report the same back without amendment and recommend its passage.

E. S. JOSLYN,
*Chairman.*

Mr. McReavy from the committee on Enrolled Bills, made the following report:

MR. PRESIDENT—

Your committee have compared and find correctly enrolled the following:

C. J. R. 6—Relative to visit to Territorial University by a joint committee of the Legislative Assembly.

H. J. M. No. 3—Relative to thirteenth light house district.

H. B. 36—An act to regulate the raising of revenue for road purposes in Walla Walla county.

Substitute for H. B. No. 6—An act to prevent the destruction of fish in any fresh water streams, creeks or lakes in Washington Territory.

H. B. No. 57—An act to amend an act to incorporate the city of Seattle.

H. B. No. 88—An act in relation to licenses in the county of Clalm.

H. B. No. 82—An act to change the name of Louisa Victoria Ash to that of Louisa Victoria Foss.

C. B. No. 5—An act to extend and define the corporate limits of the city of Walla Walla.

H. B. No. 93—An act to change the name of Mrs. Mary E. Fowler to that of Mrs. Mary E. Phelan.

H. B. No. 21—An act in relation to Territorial convicts.

H. B. No. 47—An act in relation to dogs.

H. J. M. No. 6—Praying for mail service from Port Townsend to Coupeville, *via* Ebey's landing.

H. M. No. 4—Praying for the retention of the garrison at Fort Colville.

JOHN McREAVY,
*Chairman.*

The following message was received from the House by their clerk:

HOUSE OF REPRESENTATIVES,
*November* 15, 1871.

MR. PRESIDENT—

I am instructed by the House to inform the Council of the introduction in the House of

H. B. No. 113—An act in relation to foreign corporations holding property or doing business in this Territory.

H. B. No. 114—An act to amend an act establishing a common school system for the Territory of Washington.

H. B. No. 115—An act to further define the duties of officers conducting elections.

H. B. No. 116—An act to provide for a new seal for Washington Territory.

H. B. No. 116—An act to amend an act to provide for the assessing and collecting of Territorial and county revenue.

H. B. No. 120—An act to amend an act to provide for the assessing and collecting of Territorial and county revenue.

Also the passage in the House of

H. B. No. 80—An act to confirm titles to certain real estate in the city of Walla.

C. B. No. 8—An act to authorize the county commissioners of Klikitat county to allow private parties to place gates upon roads and highways.

H. B. No. 101—An act authorizing the county commissioners of King county to borrow money for the purpose of paying off bonds issued by King county.

And that the House has refused to concur in Council amendments to

H. B. No. 48—An act in relation to poisons.

And that the House of Representatives have concurred in Council amendments to

H. B. No. 21—An act in relation to Territorial convicts.

Also that the Speaker of the House of Representatives has signed

H. B. No. 36—An act to regulate the raising of revenue for road purposes in Walla Walla county.

H. B. No. 6—An act to prevent the building of fish traps in fresh water streams in the Territory.

H. B. No. 93—An act to change the name of Mary E. Fowler to that of Mary E. Phelan.

H. B. No. 88—An act in relation to licenses in the county of Clalm.

H. B. No. 57—An act to amend an act entitled "an act to incorporate the town of Seattle."

C. B. No. 5—An act to extend and define the corporate limits of the city of Walla Walla.

H. B. No. 82—An act to change the name of Louisa Victoria Ash to that of Louisa Victoria Foss.

An act for the relief of I. V. Mossman.

H. J. M. No. 3—Memorial praying for re-establishment of thirteenth light house district, and locating the same at Port Townsend.

W. S. BAXTER,
*Chief Clerk.*

PROPOSITIONS AND MOTIONS.

Mr. Stewart, of Walla Walla, introduced

C. B. No. 26—An act regulating taxes on railroads.

Bill read first time.

No objections being made, read second time now, by title, and

On motion of Mr. Calhoun,

Referred to committee on Ways and Means.

Mr. Huntington, of Cowlitz, introduced

C. B. No. 27—An act to change the boundaries of Cowlitz and Clarke counties.

Bill read first time.

No objection being made, bill read second time, by title.

On motion of Mr. O'Bryant,

The bill was referred to the committee on Counties.

ENGROSSED BILLS READ A THIRD TIME.

H. B. No. 65—An act in relation to Territorial auditor.

On motion of Mr Foster,

Now was assigned as the time for the third reading.

Bill read third time, passed and title agreed to.

BILLS, REPORTS AND OTHER BUSINESS ON THE TABLE.

Mr. O'Bryant in the chair.

Report of committee on Corporations.

C. B. No. 25—An act to enable towns and cities to appropriate lands for streets, roads and alleys.

On motion of Mr. Smith of Thurston,

Now was assigned as the time for the third reading of the bill.

Read third time, passed and title agreed to.

Report of committee on Agriculture.

H. B. No. 26—An act entitled an act to prevent certain animals running at large in certain counties.

On motion of Mr. Smith of Thurston,

Now was assigned as the time for third reading of the bill.

Bill read a third time, passed and title agreed to.

H. J. M. No. 8—Relative to tide lands of Olympia.

On motion of Mr. Smith of Thurston,

Now was assigned as the time for the third reading of the memorial.

Memorial read third time and passed.

Report of committee on Memorials.

H. B. No. 54—An act concerning fences,

On motion of Mr. Joslyn,

Now was assigned as the time for the third reading of the bill.

Bill read third time, passed and title agreed to.

Report of Committee on Elections.

Substitute for H. B. No. 32—An act to regulate elections and prescribe the tenure of office therein.

On motion of Mr. Calhoun,

Laid upon the table and made the order of the day for Wednesday, Nov. 22, 1871.

BILLS AND OTHER BUSINESS FROM THE HOUSE.

Substitute to C. B. No. 8—An act authorizing A. H. Curtis and others of Klikitat county, W. T., to erect gates on certain public roads.

On motion of Mr. Joslyn,

Bill read first time.

No objection being made, bill read second time, by title.

On motion of Mr. Stewart,

Now was assigned as the time for third reading of the bill.

Bill read third time, passed and title agreed to.

H. B. No. 80—An act to confirm titles to real estate in the city of Walla Walla.

On motion of Mr. Stewart,

Bill read first time.

No objections being made, the bill was read second time by title.

On motion of Mr. Stewart,

Now assigned as time for third reading.

Bill read third time, passed and title agreed to.

Substitute for H. B. No. 101—An act authorizing the county commissioners of King county to borrow money for said county.

On motion of Mr. Foster,

Bill read first time.

No objections being made, bill was read second time now by title.

On motion of Mr. Foster,

Now was assigned as time for third reading.

Bill read third time, passed and title agreed to.

OTHER BUSINESS OF THE COUNCIL.

On motion of Mr. Smith, of Snohomish,

C. B. No. 16—An act in relation to descent and distribution of property was taken up.

On motion of Mr. Smith of Thurston,

Now was assigned as the time for the third reading of the bill.

Bill read third time, passed and title agreed to.

Mr. President in the chair.

The President gave notice that he was about to sign the following:

H. J. M. No. 3—Relative to thirteenth light house district.

C. B. No. 5—An act to extend and define the corporate limits of the city of Walla Walla.

H. B. No. 6—An act to prevent the building of fish traps in fresh water streams in the Territory.

H. B. 36—An act to regulate the raising of revenue for road purposes in Walla Walla county.

H. B. No. 57—An act to amend an act to incorporate the city of Seattle.

H. B. No. 88—An act in relation to licenses in the county of Clalm.

H. B. No. 82—An act to change the name of Louisa Victoria Ash to that of Louisa Victoria Foss.

H. B. No. 93—An act to change the name of Mrs. Mary E. Fowler to that of Mrs. Mary E. Phelan.

H. B. No. 60—An act for the relief of I. V. Mossman.

On motion of Mr. McReavy,

Council adjourned.

ELWOOD EVANS,
*Chief Clerk.*

COUNCIL CHAMBER,
*Wednesday, November* 22, 1871.

Council met pursuant to adjournment.

Mr. President in the chair.

Upon calling the roll the following members answered to their names:

Present—Messrs. Calhoun, Foster, Huntington, Joslyn, McReavy, O'Bryant, Smith of Thurston, Stewart, and Mr. President.

Prayer by the Chaplain.

Journal of yesterday read and approved.

REPORTS OF STANDING COMMITTEES.

Mr. McReavy from the committee on Enrolled Bills, made the following report:

MR. PRESIDENT—

Your committee have compared and find correctly enrolled the following:

H. B. No. 92—An act relating to county auditors of Island and Snohomish counties.

H. B. No. 55—An act conferring upon boards of county commissioners, certain powers in regard to highways.

H. B. No. 73—An act to authorize the county commissioners of Kitsap county to transcribe the records of said county.

JOHN McREAVY,
*Chairman.*

Mr. Smith of Thurston, from committee on Judiciary, made the following report:

MR. PRESIDENT—

The committee on Judiciary, to whom was referred

H. B. No. 86—An act relative to grand and petit jurors, and prescribing the manner for drawing the same for the counties of Pierce, Pacific and Yakima.

Have had the same under consideration, and have instructed me to report the same back to the Council and recommend that it do not pass.

Your committee are of opinion that all laws upon this subject should be of a general nature applicable to the whole Territory.

The present bill, if it became a law, would virtually exclude all persons of more than fifty years from serving as grand or petit jurors. A most unwise provision, as the natural wisdom and experience of age are certainly desirable qualifications, eminently befitting a juror.

E. L. SMITH,
*Chairman.*

Message from the House by their chief clerk, in the words following:

HOUSE OF REPRESENTATIVES,
*November* 22, 1871.

MR. PRESIDENT—

I am instructed by the House to inform the Council of the introduction in the House of the following:

H. B. No. 122—An act to repeal an act entitled "an act for the relief of Whatcom county.

H. B. No. 123—An act to repeal section 15 of an act approved January 26, 1867, establishing a common school system.

H. B. No. 124—An act in relation to fees and costs.

Also that the Speaker has signed

H. B. 21—An act in relation to Territorial convicts.

H. B. No. 47—An act in relation to dogs.

H. J. M. No. 4—Praying for the retention of the garrison at Fort Colville.

H. J. M. 6—Praying for mail service from Port Townsend to Coupeville.

Also the passage in the House of Representatives of the following:

H. J. M. No. 12—Relative to the tide flats on Elliott bay adjacent to town of Seattle, W. T.

W. S. BAXTER,
*Chief Clerk.*

Message from the Governor of Washington Territory submitting the report of the county commissioners of Cowlitz county, of the expenditures of the appropriation under the act approved Jan. 30, 1868, entitled "an act appropriating certain taxes for a certain road and regulating the expenditure thereof."

[See appendix.]

On motion of Mr. Joslyn,

Said message and report were referred to the committee of Ways and Means, with instructions to print.

PROPOSITIONS AND MOTIONS.

Mr. McReavy, of Pierce and Mason, introduced

C. B. 28—An act for the relief of Mrs. Giles Ford.

On motion of Mr. McReavy,

Bill read first time.

No objection being made, bill read a second time, by title.

On motion of Mr. Smith of Thurston,

Now was assigned as the time of third reading of the bill.

Read third time by title, passed and title agreed to.

Mr. Calhoun, of Jefferson, introduced

C. B. No. 29—An act to amend an act entitled "an act to provide for the appointment of commissioners of deeds, passed Jan. 19, 1863.

On motion of Mr. Foster,

Bill read first time.

No objections being made, bill read a second time by title.

Mr. Calhoun moved that now be assigned as time for third reading of the bill, pending which,

Mr. Joslyn moved to lie upon table.

Motion lost.

The question recurring on Mr. Calhoun's motion, it was lost.

So the Council refused to assign now as the time for third reading of the bill.

Mr. McReavy, of Pierce and Mason, introduced

C. B. No. 30—An act authorizing the Territorial auditor to cancel certain delinquent Territorial tax charged against Mason county.

On motion of Mr. Stewart,

Bill read first time.

No objection being made, bill read a second time, by title.

On motion of Mr. Huntington,

Referred to Committee on Claims,

BILLS, REPORTS AND OTHER BUSINESS ON TABLE.

Report of committee on Judiciary.

H. B. No. 86—An act relative to grand and petit jurors and prescribing the manner of drawing the same for the counties of Pierce, Pacific, Stevens and Yakima.

On motion of Mr. Foster,

Report of committee was adopted.

The clerk was instructed to inform the House of the same.

BILLS AND OTHER BUSINESS FROM THE HOUSE.

The President announced that he was about to sign the following:

H. B. No. 21—An act in relation to Territorial convicts.

H. B. No. 48—An act in relation to poisons.

H. J. M. No. 6—Praying for mail service from Port Townsend to Coupeville, *via* Ebey's landing.

H. M. No. 4—Praying for the retention of the garrison at Fort Colville.

Disagreement between the Houses on Council amendments to H. B. No. 48—An act in relation to poisons.

The President announced the appointment of Messrs. Calhoun, Joslyn and McReavy as a committee of conference on the part of the Council.

H. J. M. No. 12—Relative to tide flats on Elliott bay, adjacent to town of Seattle.

On motion of Mr. Foster,

Memorial read first time.

No objections being made, memorial read second time now, by title, and

On motion of Mr. Stewart,

Now was assigned as the time for the third reading of the memorial.

Memorial read third time and passed.

ORDERS OF THE DAY.

Substitute for H. B. No. 32—An act to regulate elections and prescribe the tenure of office therein.

On motion of Mr. Smith of Thurston,

Now was assigned as the time for third reading of the bill.

Read third time by title, passed and title agreed to.

OTHER BUSINESS OF THE COUNCIL.

Mr. Joslyn moved to take from table

H. B. No. 59—An act to transfer certain Territorial funds into the county treasury of Stevens county.

Motion carried.

Mr. Joslyn moved that Hon. W. P. Winans, member of the House of Representatives from Stevens county, be invited within the bar of the Council to make a statement in regard to the subject matter of said bill, pending which,

On motion of Mr. Stewart,

The Council adjourned until 10 o'clock A. M. to-morrow.

ELWOOD EVANS,
*Chief Clerk.*

COUNCIL CHAMBER,
*Thursday, November* 23, 1871.

Council met pursuant to adjournment.

Mr. President in the chair.

On calling the roll the following members answered to their names:

Messrs. Calhoun, Foster, Huntington, Joslyn, McReavy, O'Bryant, Smith of Thurston, Stewart and Mr. President.

Prayer by the Chaplain.

Journal of Wednesday read and approved.

Mr. Stewart, of the committee on Corporations, made the following report:

MR. PRESIDENT—

The committee on Corporations, to whom was referred

H. B. No. 40—An act in relation to the sheriffs of Pacific and Stevens counties,

H. B. No. 100—An act to amend an act relating to county assessors,

Have had the same under consideration and beg leave to report them back to the Council without amendment and recommend their passage.

Respectfully submitted,

DANIEL STEWART,

*Chairman.*

Mr. Calhoun, chairman of committee on Claims, made the following report:

MR. PRESIDENT—

Your committee on Claims, to whom was referred

C. B. No. 30—An act authorizing the Territorial auditor to cancel certain delinquent Territorial tax charged against Mason county,

Have instructed me to report said bill back and recommend its passage.

Respectfully submitted,

GEO. V. CALHOUN,

*Chairmau.*

Mr. Smith, chairman of the committee on Ways and Means, made the following report:

MR. PRESIDENT—

Your committee on Ways and Means, to whom was referred

C. B. No. 26—An act regulating taxes upon certain railroads,

Having had the same under consideration, report it back to the Council without amendment and recommend its passage.

H. B. No. 72—An act for the relief of the sheriff of Thurston county,

Have had the same under consideration and have instructed me to report the same back to the Council and recommend its passage.

E. L. SMITH,

*Chairman.*

The majority of the committee on Counties, Messrs. Huntington and Foster, made the following report:

MR. PRESIDENT—

The committee on Counties to whom was referred

C. B. No. 27—An act to change the boundaries of Cowlitz and Clarke counties,

Have had the same under consideration and beg leave to report the same back to the Council without amendment and recommend its passage.

WM. HUNTINGTON,
J. FOSTER,

*Majority of Committee on Counties.*

Mr. Smith of Thurston, in the chair.

Mr. Stewart, of Walla Walla, introduced

C. B. No. 31—An act to amend an act entitled "an act relating to county assessors.

On motion of Mr. Stewart,

Bill read first time.

No objection being made, bill read second time, by title.

On motion of Mr. Foster,

Now was assigned as the time for third reading of the bill.

Bill read third time, passed and title agreed to.

Mr. Smith, of Snohomish, introduced

C. B. No. 32—An act for the relief of Snohomish county.

On motion of Mr. Smith, of Thurston,

Bill read first time.

No objections being made, the bill was read second time by title.

Mr. Smith presented a claim of said county, certified by the clerk of the district court holding terms at Seattle, for costs paid by said county of Snohomish in the case of Territory of Washington *vs.* Henry Logan, convicted of manslaughter at August term, 1868, amounting to $742 75, together with a letter of E. C. Ferguson, Esq., county auditor of Snohomish county.

On motion of Mr. Smith of Snohomish,

Said bill, together with the papers presented by him, were referred to committee on Claims.

REPORTS AND OTHER BUSINESS ON TABLE.

Report of committee on Corporations.

H. B. No. 40—An act in relation to the sheriffs of Pacific, Yakima, Kitsap, Skamania, Whatcom, Snohomish, Clalm and Stevens counties.

On motion of Mr. O'Bryant,

Now assigned as time for third reading.

Bill read third time, passed and title agreed to.

H. B. No. 100—An act to amend an act entitled "an act relating to county assessors."

On motion of Mr. Stewart,

Now was assigned as the time for the third reading.

Bill read third time, passed and title agreed to.

Report of Committee on Claims.

C. B. No. 30—An act authorizing the Territorial auditor to cancel certain delinquent Territorial tax charged against Mason county.

On motion of Mr. Stewart,

Now was assigned as the time for the third reading of the bill.

Read third time, passed and title agreed to.

Report of Committee on Ways and Means.

C. B. No. 26—An act regulating taxes on railroads.

On motion of Mr. Calhoun,

Now was assigned as the time for the third reading of the bill.

Bill read third time, passed and title agreed to.

H. B. No. 72—An act for the relief of the sheriff of Thurston county.

On motion of Mr. Stewart,

Now was assigned as the time for third reading of the bill.

Bill read a third time, passed and title agreed to.

Majority report of committee on Counties.

C. B. No. 27—An act to change the boundaries of Cowlitz and Clarke counties.

On motion of Mr. Calhoun,

Now was assigned as the time for the third reading of the bill.

Bill read a third time.

The question being "Shall the bill pass?" the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Calhoun, Foster, Huntington, McReavey, O'Bryant, Smith of Thurston, and Mr. President—7.

Those voting in the negative were

Messrs. Joslyn and Stewart—2.

So the bill passed and the title agreed to.

C. B. No. 29—An act to amend an act entitled an act to provide for the appointment of commissioners of deeds.

On motion of Mr. Smith of Snohomish,

Now was assigned as the time for the third reading of the bill.

Bill read a third time, passed and title agreed to.

H. B. No. 59—An act to transfer certain Territorial funds into the county treasury of Stevens county.

Pending the motion of Mr. Joslyn to invite W. P. Winans, Representative from Stevens county, within the bar to make a statement on the subject matter of said bill, the motion was carried.

The sergeant-at-arms was dispatched for Mr. Winans who appeared and stated objects of bill.

On motion of Mr. Stewart,

Now was assigned as the time for the third reading of the bill.

Bill read third time, passed and title agreed to.

The following message was received from the House by their clerk:

HOUSE OF REPRESENTATIVES,
*November* 13, 1871.

MR. PRESIDENT—

I am instructed by the House to inform the Council of the passage of

H. B. No. 87—An act entitled "an act to establish pilots and pilot regulations for Juan de Fuca Straits, Puget Sound and all American waters pertaining thereto.

W. S. BAXTER,
*Chief Clerk.*

H. B. No. 87—An act to establish pilots and pilot regulations for Juan de Fuca Straits, Puget Sound, and all American waters pertaining thereto.

On motion of Mr. Smith of Thurston,

Bill read first time.

No objections being made, bill was read second time now by title.

Mr. Foster moved the indefinite postponement of the bill.

On this motion the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Foster, Huntington, McReavy, O'Bryant, Smith of Thurston and Mr. President—6.

Those voting in the negative were

Messrs. Calhoun, Joslyn and Stewart—3.

Bill indefinitely postponed.

On motion of Mr. Foster,

Council adjourned until to-morrow morning at 10 o'clock.

ELWOOD EVANS,
*Chief Clerk.*

---

COUNCIL CHAMBER,
*Friday, November* 24, 1871.

Council met pursuant to adjournment.

Mr. President in the chair.

Roll called.

Present—Messrs. Calhoun, Foster, Huntington, Joslyn, McReavy, O'Bryant, Smith of Thurston, Stewart and Mr. President.

Prayer by the Chaplain.

Journal of Thursday read and approved.

REPORTS OF STANDING COMMITTEES.

Mr. O'Bryant, from the committee on Roads and Highways, made the following report:

MR. PRESIDENT—

Your committee on Roads and Highways, to whom was referred

H. B. No. 46—An act to amend an act entitled "an act in relation to roads, ferries, bridges and travel on public highways."

Have had the same under consideration and have instructed me to report the accompanying bill as a substitute for said H. B. No. 46.

H. D. O'BRYANT,
*Chairman.*

Mr. McReavy from the committee on Enrolled Bills, made the following report:

MR. PRESIDENT—

Your committee have compared and find correctly enrolled the following:

H. B. No. 80—An act to confirm titles to real estate in the city of Walla Walla.

H. B. No. 101—An act authorizing the county commissioners of King county to borrow money for the purpose of paying off bonds issued by King county.

H. B. No. 58—An act to amend an act entitled "an act to regulate the practice in civil actions."

H. B. No. 54—An act concerning fences.

H. B. No. 65—An act in relation to Territorial auditor.

H. J. M. No. 8—Relative to tide lands of Olympia.

H. J. M. No. 12—Relative to tide flats on Elliott bay adjacent to town of Seattle, W. T.

H. B. No. 32—An act to regulate elections and prescribe the tenure of office therein.

Substitute for H. B. No. 26—An act to prevent stud horses, stud mules, jackasses or ridglings from running at large.

Substitute to C. B. No. 8—An act authorizing A. H. Curtis and others of Klikitat county, W. T., to erect gates on certain public roads.

H. B. No. 94—An act conferring certain powers on the board of commissioners of Chehalis county, W. T.

H. B. No. 96—An act submitting to the voters of Washington Territory, at the next general election, a proposition for calling a convention to frame a State constitution and to apply for the admission of the State of Washington into the Union.

H. B. No. 13—An act to sub-divide the judicial districts of Washington Territory, and provide places for holding courts therein.

JOHN McREAVY,
*Chairman.*

The following message was received from the House by their clerk:

HOUSE OF REPRESENTATIVES,
*November* 24, 1871.

MR. PRESIDENT—

I am instructed by the House to inform the Council of the introduction in the House of

H. B. No. 122—An act to repeal an act entitled an act for the relief of Whatcom county.

H. B. No. 123—An act to repeal section 15 of an act approved Jan. 26, 1867, establishing a common school system.

H. B. No. 124—An act in relation to fees and costs.

H. B. No. 125—An act to amend an act entitled "an act to prevent hogs trespassing in certain counties, approved December 2, 1869.

H. B. No. 126—An act in relation to road tax in Kitsap county.

H. B. No. 127—An act to pay the expenses of the joint committee to visit the Territorial university.

H. B. No. 128—An act in relation to liquors.

H. B. No. 129—An act for the relief of Henry L. Sutton.

H. B. No. 130—An act to divorce Wm. Chilson from Virginia Chilson.

H. B. No. 132—An act to amend an act entitled "an act authorizing a special tax for the county of Clarke to pay the indebtedness of said county.

Also the passage in the House of

H. B. No. 125—An act to amend an act entitled "an act to prevent hogs trespassing in certain counties, approved December 2, 1867.

H. B. No. 126—An act in relation to road tax in Kitsap county.

H. B. No. 127—An act to pay the expenses of the joint committee to visit the Territorial university.

H. B. No. 121—An act establishing a common school system for the Territory of Washington.

H. B. No. 132—An act to amend an act entitled "an act authorizing a special tax for the county of Clarke to pay the indebtedness of said county, approved Oct. 30, 1869.

H. B. No. 64—An act in relation to Territorial treasurer.

H. J. M. No. 10—Relative to mail service from Seattle to Bellingham Bay.

H. J. M. No. 9—Relative to light house in Washington Territory.

H. B. No. 71—An act to amend an act entitled an act authoring the settlement of estates of persons dying intestate without administration.

And that the House has refused to pass

C. B. No. 12—An act to regulate marriage.

Also of the passage in the House of

C. B. No. 22—An act modifying the law relating to estrays in the county of Walla Walla.

H. B. No. 84—An act to amend an act entitled "an act to incorporate the city of Port Townsend, Jefferson county, W. T.," passed January 16th, 1860, and all subsequent acts amendatory thereto.

And that the House of Representatives have concurred in Council amendments to

H. B. No. 26—An act entitled an act to prevent certain animals running at large in certain counties.

Also of the passage in the House of

Substitute for H. B. 111—An act to cure the defects in certain

conveyances and to declare them good and lawful deeds to the lands described therein.

H. B. No. 138—An act to locate a Territorial road from the mouth of Mill creek in Pacific county, to intersect the military road running from Monticello to Olympia.

H. B. No. 17—An act to amend an act entitled "an act to establish the amount and provide for the payment of costs in certain cases."

H. B. No. 2—An act to amend an act to provide for the assessing and collecting of Territorial and county revenue, approved Jan. 31, 1867.

H. B. No. 116—An act to provide for a new seal for Washington Territory.

H. B. No. 124—An act in relation to fees and costs.

H. J. R. No. 8—Resolution providing for the publication and distribution of certain laws in pamphlet form.

C. B. No. 19—An act for the relief of James Huntington & Son.

C. B. No. 20—An act for the relief of Al. Pettygrove.

C. B. No. 21—An act to amend an act entitled an act to provide for the election of county commissioners and defining their duties.

C. B. No. 2—An act providing for the appointment of a resident physician for the insane asylum and prescribing his duties,

H. B. No. 118—An act creating a board of pilot commissioners and pilots on the Columbia river and bar.

H. B. No. 66—An act to repeal an act entitled "an act to provide payment for quartermaster general."

H. B. No. 97—An act to organize the county of Whitman.

H. B. No. 90—An act to make valid the location of the Territorial road from Boisfort prairie, in Lewis county, intersecting the military road at a point above Henry Jackson's in Cowlitz county.

H. B. No. 109—An act to locate a Territorial road from Walla Walla city, in Walla Walla county, to Fort Colville, in Stevens county.

H. B. No. 113—An act in relation to foreign corporations holding property or doing business in this Territory.

Also the introduction in the House of

H. B. No. 134—An act to amend the apportionment law of the Territory.

H. B. No. 136—An act to amend an act entitled "an act to regulate suits for divorce and alimony."

Also the passage in the House of Representatives of the following:

H. B. No. 38—An act to assign the District Judges to the several Judicial Districts.

H. B. 89—An act to amend the corporate laws of the town of Olympia.

Also that the Speaker of the House of Representatives has signed

H. B. No. 80—An act to confirm titles to certain real estate in the city of Walla.

Substitute for H. B. No. 101—An act authorizing the county commissioners of King county to borrow money for said county.

H. B. No. 58—An act to amend an act entitled an act to regulate the proceedings in civil cases.

H. B. No. 54—An act concerning fences.

An act in relation to Territorial auditor.

H. J. M. No. 12—Relative to tide flats on Elliott bay, adjacent to town of Seattle.

H. J. M. 8—Relative to the tide lands of Olympia.

W. S. BAXTER,
*Chief Clerk.*

PROPOSITIONS AND MOTIONS.

Mr. Joslyn in the chair.

Mr. McReavy, of Pierce and Mason, introduced

C. B. No. 33—An act making an appropriation to meet the expenses incurred by the commissioners to locate the penitentiary of the Territory of Washington.

On motion of Mr. McReavy,

Bill read first time.

No objection being made, bill read a second time, by title.

On motion of Mr. Smith of Thurston,

Referred to committee on Claims.

Mr. Smith of Thurston introduced

C. B. No. 34—An act to encourage ship building.

On motion of Mr. Smith, of Thurston,

Bill read first time.

No objections being made, bill read a second time by title.

On motion of Mr. Calhoun,

Now was assigned as time for third reading.

Bill read third time, passed and title agreed to.

Mr. Smith of Thurston, gave notice that Hon. Frank Henry, President of the board of trustees of the town of Olympia, was present and desired to be heard in behalf of said board against the passage of H. B. No. 89. He therefore asked the unanimous leave of the Council to take from the table said H. B. 89.

Leave granted and

H. B. No. 89—An act amendatory of an act entitled "an act amendatory of an act entitled an act to incorporate the town of Olympia,"

Bill read first time.

No objection being made, bill read a second time, by title.

By unanimous consent Hon. Frank Henry then addressed the Council, protesting in behalf of said board of trustees against the passage of said bill. At the close of Mr. Henry's remarks,

On motion of Mr. O'Bryant,

H. B. No. 89—An act amendatory of an act entitled "an act amendatory of an act entitled an act to incorporate the town of Olympia,"

Referred to committee on Corporations.

On motion of Mr. Calhoun,

For the purposes of considering said H. B. 89, Mr. Smith of Thurston, was temporarily added to the committee on Corporations.

Mr. Smith of Snohomish, moved to reconsider the vote whereby the Council indefinitely postponed

H. B. No. 87—An act entitled "an act to establish pilots and pilotage on Juan de Fuca Straits, Puget Sound, and all American waters pertaining thereto," pending which,

Mr. McReavy moved to lay on the table said motion to reconsider.

Motion lost.

The question recurring on the motion of Mr. Smith of Snohomish, the yeas and nays were demanded with the following result:

Those voting in the affirmative were—

Messrs. Calhoun, Huntington, Joslyn and Mr. President—4.

Those voting in the negative were—

Messrs. Foster, McReavy, O'Bryant and Smith of Thurston—5.

Absent—Mr. Stewart.

So the Council refused to reconsider said indefinite postponement of H. B. No. 87.

H. B. No. 70—An act to change the name of Almanson Morey to Almanson Lovelace.

On motion of Mr. Smith of Thurston,

Now was assigned as the time for the third reading of the bill.

Bill read third time, passed and title agreed to.

Report of committee on Roads and Highways.

Substitute for H. B. No. 46—An act to amend an act entitled "an act in relation to roads, ferries, bridges and travel on public highways.

On motion of Mr. O'Bryant,

Report of committee was adopted.

Bill read first time.

No objections being made, bill read a second time, by title.

On motion of Mr. Calhoun,

Laid on table till Saturday, Nov. 25, 1871, with order to print said substitute.

BUSINESS FROM THE HOUSE OF REPRESENTATIVES.

House amendments to

C. B. No. 2—An act providing for the appointment of a resident physician for the insane asylum and prescribing his duties.

The question being "will the Council concur?" it was lost.

On motion of Mr. McReavy,

A committee of conference was asked for on said disagreement between the Houses.

House amendments to

C. B. 19—An act for the relief of Huntington & Son.

The question being "will the Council concur?" it was lost.

On motion of Mr. Huntington,

A committeee of conference was asked for on said disagreement between the Houses.

House amendments to

C. B. No. 22—An act modifying the law relating to estrays in the county of Walla Walla.

On motion of Mr. O'Bryant,

The Council concurred in said amendments

H. J. R. No. 8—Resolution providing for the publication and distribution of certain laws in pamphlet form.

On motion of Mr. Smith of Thurston,

Resolution read first time.

H. J. R. No. 8, is as follows:

*Resolved by the House, the Council concurring*, That there shall be printed by the public printers, immediately after the close of the present session, five hundred copies each of the following laws in pamphlet form, to-wit: School law, revenue law, election law and road law; and the said laws, as soon as published, shall be distributed by the secretary among the various counties of the Territory.

No objections being made, resolution read a second time by title.

On motion of Mr. McReavy,

Laid on table and made order of day for to-morrow, November 25, 1871.

H. J. M. No. 9—Relative to light houses in Washington Territory.

On motion of Mr. Foster,

Memorial read first time.

*To the Honorable Senate and House of Representatives of the United States in Congress assembled:*

Your memorialists, the Legislative Assembly of the Territory of Washington, humbly showeth that the commerce of this Territory will be greatly facilitated by the erection and maintenance of a light house on the following headlands, viz:

On Foul Weather Bluff and Point-no-Point, on the western shore of Admiralty Inlet.

On Alki Point, on the eastern shore of Admiralty Inlet.

On Point Defiance, at the entrance of Puget Sound.

On south end of Cyprus Island, Bellingham Bay passage.

And as in duty bound, your memorialists will ever pray.

No objections being made, memorial read second time now, by title, and

On motion of Mr. Smith, of Snohomish,

Now was assigned as the time for the third reading of the memorial.

Memorial read third time and passed.

H. J. M. No. 10—Relative to mail service from Seattle to Bellingham Bay.

On motion of Mr. Foster,

Memorial read first time.

*To the Honorable Postmaster General of the United States:*

Your memorialists, the Legislative Assembly of Washington Territory, would respectfully represent that the mail facilities now afforded from Seattle to Bellingham Bay and intermediate

ports, is inadequate to the business interests of the population along said mail line.

Since the letting of the contract at the last letting for said route, the population has at least doubled its proportions and is still increasing at a rapid rate, and large accessions have also been made to the population of Whatcom county. At Semiahmo and Birch Bay there is at present no mail facilities, the nearest post office being at Sehome, a distance of over twenty-five miles from said settlements.

We would respectfully pray your honor to increase the mail facilities from Seattle to Bellingham Bay to semi-weekly service, and authorize weekly service to Semiahmo Bay by steamer.

No objections being made, memorial read second time, now, by title, and

On motion of Mr. Foster,

Now was assigned as the time for the third reading of the memorial.

Memorial read third time and passed.

H. B. No. 2—An act to amend an act to provide for the assessing and collecting of Territorial and county revenue, approved Jan. 31, 1867.

On motion of Mr. Stewart,

Bill read first time.

No objection being made, bill read a second time, by title.

On motion of Mr. McReavy,

Referred to committee on Ways and Means.

H. B. No. 17—An act to amend an act entitled "an act to establish the amount and provide for the payment of costs in certain cases."

On motion of Mr. Stewart,

Bill read first time.

No objections being made, read second time now, by title, and

On motion of Mr. Smith of Snohomish,

Referred to Committee on Claims.

H. B. No. 38—An act to assign the district judges to the several judicial districts.

On motion of Mr. Foster,

Bill read first time.

No objection being made, bill read second time, by title.

On motion of Mr. Stewart,

Referred to Committee on Corporations.

H. B. No. 64—An act in relation to Territorial treasurer.

On motion of Mr. Stewart,

Bill read first time.

No objection being made, the bill was read second time by title.

On motion of Mr. Huntington,

Laid on table and made the order of day for Saturday, Nov. 25, 1871.

H. B. No. 66—An act to repeal an act entitled, "an act to provide payment for quartermaster general."

On motion of Mr. Stewart,

Bill read first time.

No objections being made, the bill was read second time by title.

On motion of Mr. Smith of Snohomish,

Now was assigned as the time of third reading of the bill.

Bill read third time.

The question being "Shall the bill pass?" the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Calhoun, Foster, McReavy, O'Bryant and Stewart—5.

Those voting in the negative were

Messrs. Huntington, Joslyn, Smith of Thurston, and Mr. President—4.

So the bill passed and title agreed to.

H. B. No. 71—An act to amend an act entitled an act authoring the settlement of estates of persons dying intestate without administration.

On motion of Mr. Stewart,

Bill read first time.

No objection being made, bill read second time, by title.

On motion of Mr. Huntington,

Referred to committee on Judiciary.

H. B. No. 84—An act to amend an act entitled "an act to incorporate the city of Port Townsend, Jefferson county, W. T.," passed January 16th, 1860, and all subsequent acts amendatory thereto.

On motion of Mr. Calhoun,

Bill read first time.

No objections being made, bill was read second time now by title.

On motion of Mr. McReavy,

Referred to committee on Corporations.

H. B. No. 90—An act to make valid the location of the Territorial road from Boisfort prairie, in Lewis county, intersecting the military road at a point above Henry Jackson's in Cowlitz county.

On motion of Mr. Stewart,

Bill read first time.

No objections being made, bill read second time by title, and

On motion of Mr. Foster,

Now was assigned as the time for third reading of the bill.

Read third time by title, passed and title agreed to.

H. B. No. 91—An act relating to stock marks.

On motion of Mr. Smith,

Bill read first time.

No objections being made, the bill was read second time by title, and

On motion of Mr. Stewart,

Referred to committee on Agriculture.

H. B. No. 97—An act to organize the county of Whitman.

On motion of Mr. Joslyn,

Bill read first time.

No objections being made, bill read second time by title.

On motion of Mr. Calhoun,

Now was assigned as the time for the third reading of the bill.

Read third time by title, passed and title agreed to.

H. B. No. 108—An act to amend an act entitled "an act to prevent hogs trespassing in certain counties," approved December 2, 1869.

On motion of Mr. Stewart,

Bill read first time.

No objection being made, bill read second time, by title.

On motion of Mr. Huntington,

Referred to Committee on Agriculture.

H. B. No. 109—An act to locate a Territorial road from Walla Walla city, in Walla Walla county, to Fort Colville, in Stevens county.

On motion of Mr. Stewart,

Bill read first time.

No objections being made, bill read second time by title, and

On motion of Mr. Smith of Thurston,

Referred to committee on Roads and Highways.

Substitute for H. B. 111—An act to cure the defects in certain conveyances and to declare them good and lawful deeds to the lands described therein.

On motion of Mr. Calhoun,

Bill read first time.

No objections being made, bill was read second time now by title.

On motion of Mr. Smith of Thurston,

Referred to committee on Claims.

H. B. No. 113—An act in relation to foreign corporations holding property or doing business in this Territory.

On motion of Mr. Stewart,

Bill read first time.

No objection being made, bill read a second time, by title.

On motion of Mr. Smith, of Snohomish,

Referred to committee on Corporations.

H. B. No. 116—An act to provide for a new seal for Washington Territory.

On motion of Mr. Stewart,

Bill read first time.

No objections being made, read second time now, by title, and

On motion of Mr. Smith of Snohomish,

Now was assigned as the time for the third reading.

Bill read third time, passed and title agreed to.

H. B. No. 118—An act creating a board of pilot commissioners and pilots on the Columbia river and bar.

On motion of Mr. Stewart,

Bill read first time.

No objections being made, the bill was read second time by title.

On motion of Mr. Foster,

Referred to Committee on Commerce.

H. B. No. 121—An act establishing a common school system for the Territory of Washington.

On motion of Mr. McReavy,

Bill read first time.

No objection being made, bill read a second time, by title.

On motion of Mr. Smith of Thurston,

Referred to committee on Education.

H. B. No. 124—An act in relation to fees and costs.

On motion of Mr. Smith, of Thurston,

Bill read first time.

No objections being made, bill read a second time by title.

On motion of Mr. Stewart,

Referred to committee on Agriculture.

H. B. No. 125—An act to amend an act entitled "an act to prevent hogs trespassing in certain counties, approved December 2, 1869.

On motion of Mr. Calhoun,

Bill read first time.

No objections being made, bill read a second time, by title.

On motion of Mr. Smith of Snohomish,

Now was assigned as the time for the third reading of the bill.

Read third time, passed and title agreed to.

H. B. No. 126—An act in relation to road tax in Kitsap county.

On motion of Mr. Foster,

Bill read first time.

No objection being made, bill read second time, by title.

On motion of Mr. Foster,

Now was assigned as the time for third reading of the bill.

Bill read a third time, passed and title agreed to.

H. B. No. 127—An act to pay the expenses of the joint committee to visit the Territorial university.

On motion of Mr. Calhoun,

Bill read first time.

No objection being made, bill read a second time, by title.

On motion of Mr. Smith of Snohomish,

Now was assigned as the time for the third reading of the bill.

Bill read a third time, passed and title agreed to.

H. B. No. 132—An act to amend an act entitled "an act authorizing a special tax for the county of Clarke to pay the indebtedness of said county, approved Oct. 30, 1869.

On motion of Mr. Stewart,

Bill read first time.

No objection being made, the bill was read second time by title.

On motion of Mr. Stewart,

Referred to Committee on Agriculture.

H. B. No. 138—An act to locate a Territorial road from the mouth of Mill creek in Pacific county, to intersect the military road running from Monticello to Olympia.

On motion of Mr. Smith,

Bill read first time.

No objections being made, the bill was read a second time by title, and

On motion of Mr. Smith of Thurston,

Referred to committee on Roads and Highways.

Mr. President in the chair.

The President announced that he was about to sign the following:

H. B. No. 80—An act to confirm titles to real estate in the city of Walla Walla.

H. B. No. 101—An act authorizing the county commissioners of King county to borrow money for the purpose of paying off bonds issued by King county.

H. B. 103—An act to amend an act entitled "an act to regulate the practice and proceedings in civil actions," approved Dec. 2, 1869.

H. B. No. 54—An act concerning fences.

H. B. No. 65—An act in relation to Territorial auditor.

H. J. M. No. 8—Relative to tide lands of Olympia.

H. J. M. No. 12—Relative to tide flats on Elliott bay adjacent to town of Seattle, W. T.

H. J. M. No. 12 reads as follows:

*To the Honorable Senate and House of Representatives of the United States in Congress assembled:*

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent that fronting the town of Seattle, on its southern side and partly within the corporate limits, are situate a series of tide flats, outside the meander lines of the United States land surveys; said flats being intersected by the channels of Duwamish river where it enters Elliot Bay; said tide flats are chiefly bare at low tide, as is more fully shown by the United States coast surveys, and are wholly in township 24 north, ranges three and four east of Willamette meridian.

These overflowed flats are a serious impediment to navigation, both of the Duwamish river and Elliot bay, they are of no value to the government, not being saleable as agricultural lands, the tides covering the whole twice in 24 hours to a depth of 10 feet or more.

Your memorialists therefore pray your honorable body to pass an act granting to the corporate authorities of the town of Seattle, and their successors in office, the said tide flats in township 24 north, ranges three and four east, or as much thereof as lies outside the limits of town plat of Seattle filed of record by D. S. Maynard, donation claimant, King county, W. T., and from meander line upon Elliot bay and the mouth of Duwamish river as far into Elliot bay as the authorities of the town of Seattle may require for purposes of commerce, conditioned upon the main channel of the Duwamish river being kept open for at least one hundred yards in width, for purposes of navigation.

On motion of Mr. Foster,

Council adjourned until to-morrow morning at 10 o'clock.

ELWOOD EVANS,
*Chief Clerk.*

COUNCIL CHAMBER,
*Saturday, November* 25, 1871.

Council met pursuant to adjournment.

Mr. President in the chair.

On calling the roll the following members answered to their names:

Messrs. Huntington, Joslyn, Smith of Thurston, and Mr. President.

Prayer by the Chaplain.

Journal of Friday read and approved.

PETITIONS, MEMORIALS.

Mr. Smith of Thurston, presented petitions, signed by Samuel D. Howe and 76 others, citizens and tax payers, praying for the passage of House Bill 89.

On motion of Mr. Smith of Thurston,

Referred to Committee on Corporations.

REPORTS OF STANDING COMMITTEES.

Mr. Stewart, of the committee on Corporations, made the following report:

MR. PRESIDENT—

The committee on Corporations, to whom was referred

H. B. No. 84—An act to amend an act entitled "an act to incorporate the city of Port Townsend, Jefferson county, W. T.," passed January 16th, 1860, and all subsequent acts amendatory thereto.

Have had the same under consideration and have instructed me to report it back without amendment and recommend its passage.

Respectfully submitted,

DANIEL STEWART,

*Chairman.*

Mr. O'Bryant, from the committee on Roads and Highways, made the following report:

MR. PRESIDENT—

Your committee on Roads and Highways, to whom was referred

H. B. No. 109—An act to locate a Territorial road from Walla Walla city, in Walla Walla county, to Fort Colville, in Stevens county,

Have had the same under consideration and have instructed me to report the bill back, so amended in sections one and two, as to conform the same to the language of said section as introduced in the House, and in accordance with H. B. 109, before amendment in the House.

H. D. O'BRYANT,
*Chairman.*

Mr. McReavy from the committee on Enrolled Bills, made the following report:

MR. PRESIDENT—

Your committee have compared and find correctly enrolled the following:

H. B. No. 40—An act in relation to the sheriffs of Pacific, Yakima, Kitsap, Skamania, Whatcom, Snohomish, Clalm and Stevens counties.

H. B. No. 72—An act for the relief of the sheriff of Thurston county.

H. B. No. 100—An act to amend an act entitled "an act relating to county assessors."

H. B. No. 59—An act to transfer certain Territorial funds into the county treasury of Stevens county.

C. B. No. 20—An act for the relief of Al. Pettygrove,

C. B. No. 21—An act to amend an act entitled an act to provide for the election of county commissioners and defining their duties.

JOHN McREAVY,
*Chairman.*

The following message was received from the House by their clerk:

HOUSE OF REPRESENTATIVES,
*November* 25, 1871.

MR. PRESIDENT—

I am instructed by the House to inform the Council of the passage of

H. B. No. 104—An act to protect the Territorial capitol from fire.

H. B. No. 81—An act to regulate fees and costs of sheriffs in the counties of Kitsap, Snohomish and Jefferson.

C. B. No. 25—An act to enable towns and cities to appropriate lands for streets, roads and alleys.

C. B. No. 29—An act to amend an act entitled "an act to provide for the appointment of commissioners of deeds, passed Jan. 19, 1863.

C. B. No. 10—An act to amend an act entitled "an act to regulate the practice and proceedings in civil actions," approved Dec. 2, 1869.

Also that the Speaker has signed

Substitute for H. B. No. 26—An act to prevent stud horses, stud mules, jackasses or ridglings from running at large.

H. B. No. 32—An act to regulate elections and prescribe the tenure of office therein.

H. B. No. 94—An act conferring certain powers on the board county commissioners of Chehalis county,

Substitute to C. B. No. 8—An act authorizing A. H. Curtis and others of Klikitat county, W. T., to erect gates on certain public roads.

H. B. No. 96—An act submitting to the voters of Washington Territory at the next general election a proposition for calling a convention to frame a State constitution and to apply for the admission of the State of Washington into the Union.

H. B. No. 13—An act to sub-divide the judicial districts of Washington Territory, and provide places for holding courts therein.

W. S. BAXTER,
*Chief Clerk.*

REPORTS AND OTHER BUSINESS ON TABLE.

Report of committee on Corporations.

H. B. No. 84—An act to amend an act entitled "an act to incorporate the city of Port Townseud, Jefferson county, Washington Territory.

On motion of Mr. Calhoun,

Now was assigned as the time for the third reading of the bill.

Bill read third time, passed and title agreed to.

Report of committee on Roads and Highways.

Amendments to H. B. 109, an act to locate a Territorial road from Walla Walla city, in Walla Walla county, to Fort Colville, in Stevens county.

On motion of Mr. Foster,

Report of committee was adopted.

On motion of Mr. O'Bryant,

Bill considered as engrossed and now assigned as the time of its third reading.

Bill read third time, passed and title agreed to.

BILLS AND OTHER BUSINESS FROM THE HOUSE.

The President gave notice that he was about to sign the following:

Substitute for H. B. No. 32—An act to regulate elections and prescribe the tenure of office therein.

H. B. No. 26—An act entitled an act to prevent certain animals running at large in certain counties.

C. B. No. 8—An act to authorize the county commissioners of Klikitat county to allow private parties to erect gates on roads and highways.

H. B. No. 94—An act conferring certain powers on the board of commissioners of Chehalis county, W. T.

H. B. No. 96—An act submitting to the voters of Washington Territory, at the next general election, a proposition for call-

ing a convention to frame a State constitution and to apply for the admission of the State of Washington into the Union.

H. B. No. 13—An act to sub-divide the judicial districts of the Territory of Washington and prescribe the place for holding court therein.

House amendments to

C. B. No. 25—An act to enable towns and cities to appropriate lands for streets, roads and alleys.

The question being "Will the House concur?" it was carried.

The clerk was instructed to inform the House of the same.

H. S. for C. B. No. 9 and H. B. No. 20—An act to amend an act entitled "an act to regulate the practice and proceedings in civil actions," approved Dec. 2, 1869.

On motion of Mr. Stewart,

Bill read first time.

No objection being made, bill read second time, by title.

On motion of Mr. Calhoun,

Laid upon the table.

H. B. No. 104—An act to protect the capitol from fire.

On motion of Mr. Stewart,

Bill read first time.

No objections being made, bill read second time by title, and

On motion of Mr. Calhoun,

Now was assigned as the time for third reading of the bill.

Read third time by title, passed and title agreed to.

ORDERS OF THE DAY.

H. B. No. 64—An act in relation to Territorial treasurer.

On motion of Mr. Stewart,

Now was assigned as the time of third reading of the bill.

Bill read third time.

H. J. R. No. 8—Resolution providing for the publication and distribution of certain laws in pamphlet form.

On motion of Mr. Foster,

Now was assigned as the time for the third reading of the resolution.

Resolution read a third time and passed.

OTHER BUSINESS OF THE COUNCIL.

On motion of Mr. Huntington,

The vote whereby the Council non-concurred in the House amendments to

C. B. No. 19—An act for the relief of James Huntington & Son,

And asked the House of Representatives for a committee of Conference were severally reconsidered.

The question recurring, "Will the Council concur in said House amendments?" it was unanimously carried.

On motion of Mr. Huntington,

The clerk was instructed to report forthwith to the House such action by the Council.

On motion of Mr. Foster,

Council adjourned.

ELWOOD EVANS,
*Chief Clerk.*

COUNCIL CHAMBER,
*Monday, November* 27, 1871.

Council met pursuant to adjournment.

Mr. President in the chair.

On calling the roll the following members answered to their names:

Messrs. Calhoun, Foster, Huntington, McReavy, O'Bryant, Smith of Thurston, Stewart, Joslyn, and Mr. President.

Elwood Evans, chief clerk, was excused on account of illness.

Prayer by the Chaplain.

Journal of Saturday read and approved.

Mr. Stewart presented a remonstrance signed by Chas. Burmeister and 130 others, protesting against the passage of

H. B. No. 89—An act amendatory of an act entitled "an act amendatory of an act entitled an act to incorporate the town of Olympia."

REPORTS OF STANDING COMMITTEES.

Mr. Calhoun, chairman of committee on Claims, made the following report:

MR. PRESIDENT—

Your committee on Claims, to whom was referred

C. B. No. 32—An act for the relief of Snohomish county.

Substitute for H. B. 111—An act to cure the defects in certain conveyances and to declare them good and lawful deeds to the lands described therein.

C. B. No. 33—An act making an appropriation to meet the expenses incurred by the commissioners to locate the penitentiary of the Territory of Washington,

Have had the same under consideration and beg leave to re-

port them back to the Council without amendment and recommend their passage.

Respectfully submitted,

GEO. V. CALHOUN,
*Chairman.*

Mr. Calhoun, from the committee on Education, made the following report:

MR. PRESIDENT—

Your committee on Education, to whom was referred

H. B. No. 121—An act establishing a common school system for the Territory of Washington,

Have instructed me to report said bill back and recommend its passage.

Respectfully submitted,

GEO. V. CALHOUN,
*Chairman.*

Mr. Huntington, chairman of committee on Commerce, made the following report:

MR. PRESIDENT—

The committee on Commerce, to whom was referred

H. B. No. 118—An act creating a board of pilot commissioners and pilots on Columbia river and bar,

Have had the same under consideration, and report it back without amendment and recommend its passage.

WM. HUNTINGTON,
*Chairman.*

Mr. Stewart, of the committee on Corporations, made the following report:

MR. PRESIDENT—

The committee on Corporations, to whom was referred

H. B. No. 113—An act in relation to foreign corporations holding property or doing business in this Territory.

Have had the same under consideration and have instructed me to report it back without amendment and recommend its passage.

Respectfully submitted,

DANIEL STEWART,
*Chairman.*

Mr. O'Bryant, from Committee on Roads and Highways, made the following report:

MR. PRESIDENT—

Your committee on Roads and Highways, to whom was referred

H. B. No. 138—An act to locate a Territorial road from the mouth of Mill creek in Pacific county, to intersect the military road running from Monticello to Olympia,

Have had the same under consideration, and have instructed me to report the same back without amendment and recommend its passage.

H. D. O'BRYANT,
*Chairman.*

Mr. McReavy, from committee on Agriculture, made the following report:

MR. PRESIDENT—

The committee on Agriculture to whom was referred

H. B. No. 132—An act to amend an act entitled "an act authorizing a special tax for the county of Clarke to pay the indebtedness of said county.

H. B. No. 91—An act relating to stock marks.

H. B. No. 108—An act to amend an act entitled "an act to prevent hogs trespassing in certain counties," approved December 2, 1869,

Have had the same under consideration and beg leave to report the same back to the Council without amendment and recommend their passage.

JOHN McREAVY,
*Chairman.*

Mr. McReavy from the committee on Enrolled Bills, made the following report:

MR. PRESIDENT—

Your committee have compared and find correctly enrolled the following:

H. B. No. 116—An act to provide for a new seal for Washington Territory.

C. B. No. 29—An act to amend an act entitled an act to provide for the appointment of commissioners of deeds.

C. B. 19—An act for the relief of Huntington & Son.

H. B. No. 125—An act to amend an act entitled "an act to prevent hogs trespassing in certain counties, approved December 2, 1867.

H. B. No. 126—An act in relation to road tax in Kitsap county.

H. B. No. 127—An act to pay the expenses of the joint committee to visit the Territorial university.

H. B. No. 90—An act to make valid the location of the Territorial road from Boisfort prairie, in Lewis county, intersecting the military road at a point above Henry Jackson's in Cowlitz county.

H. B. No. 66—An act to repeal an act entitled "an act to provide payment for quartermaster general."

H. B. No. 70—An act to change the name of Almanson Morey to Almanson Lovelace.

C. B. No. 25—An act to enable towns and cities to appropriate lands for streets, roads and alleys.

H. B. No. 97—An act to organize the county of Whitman.

H. J. M. No. 10—Relative to mail service from Seattle to Bellingham Bay.

H. J. M. No. 9—Relative to light houses in Washington Territory.

JOHN McREAVY,
*Chairman.*

Message from the House by their chief clerk, in the words following:

HOUSE OF REPRESENTATIVES,
*November* 27, 1871.

MR. PRESIDENT—

I am instructed by the House to inform the Council of the introduction in the House of the following:

H. B. No. 139—An act to authorize the Territorial auditor to cancel certain delinquent taxes due from Whatcom county.

H. B. No. 140—An act for the relief of L. L. Moore.

H. B. No. 143—An act to provide for the incorporation of towns.

H. B. No. 145—An act to relocate the Territorial capitol.

H. B. No. 133—An act to provide for the assessing and collecting of county and Territorial revenue.

Also the passage in the House of Representatives of the following:

H. B. No. 68—An act for the relief of Hill Harmon.

H. B. No. 141—An act in relation to the county seat of Cowlitz county.

H. B. No. 107—An act to authorize persons accused of crime to be a witness in his or her own behalf.

H. B. No. 142—Substitute for C. B. No. 28 and H. B. No.'s 75, 99, 129, an act for the relief of Giles Ford and others.

C. B. No. 27—An act to change the boundaries of Cowlitz and Clarke counties.

C. B. No. 23—An act in relation to private seals.

Also that the Speaker of the House of Representatives has signed

H. B. No. 40—An act in relation to the sheriffs of Pacific, Yakima, Kitsap, Skamania, Whatcom, Snohomish, Clalm and Stevens counties.

H. B. No. 72—An act for the relief of the sheriff of Thurston county.

H. B. No. 100—An act to amend an act entitled "an act relating to county assessors."

H. B. No. 59—An act to transfer certain Territorial funds into the county treasury of Stevens county.

C. B. No. 20—An act for the relief of Al. Pettygrove,

C. B. No. 21—An act to amend an act entitled an act to provide for the election of county commissioners and defining their duties.

W. S. BAXTER,
*Chief Clerk.*

Mr. McReavy moved to amend by adding section two which reads as follows:

"That in all cases in which the Territory is liable for cost bills incurred by criminal prosecution in either court, the cost bill against the Territory shall be adjusted by the general fee bill of the Territory."

Amendment adopted.

On motion of Mr. Smith of Thurston,

Now was assigned as the time of third reading of the bill.

Bill read third time, passed and title agreed to.

BUSINESS FROM THE HOUSE OF REPRESENTATIVES.

H. B. No. 68—An act for the relief of Hill Harmon.

On motion of Mr. Stewart,

Bill read first time.

No objections being made, the bill was read second time by title.

On motion of Mr. McReavy,

Referred to committee on Judiciary.

H. B. No. 107—An act to authorize persons accused of crime to be a witness in his or her own behalf.

On motion of Mr. Stewart,

Bill read first time.

No objections being made, read second time now, by title, and

On motion of Mr. Foster,

Referred to committee on Judiciary.

H. B. No. 141—An act in relation to the county seat of Cowlitz county.

On motion of Mr. Calhoun,

Bill read first time.

No objections being made, bill was read second time now by title.

On motion of Mr. Smith of Thurston,

Now was assigned as the time for third reading of the bill.

Read third time by title, passed and title agreed to.

H. B. No. 142—Substitute for C. B. No. 28 and H. B. No.'s 75, 99, 129, an act for the relief of Giles Ford and others.

On motion of Mr. Stewart,

Bill read first time.

No objection being made, bill read a second time, by title.

On motion of Mr. McReavy,

Referred to committee on Ways and Means.

Mr. President in the chair.

The President announced that he was about to sign the following:

H. B. No. 40—An act in relation to the sheriffs of Pacific, Yakima, Kitsap, Skamania, Whatcom, Snohomish, Clalm and Stevens counties.

H. B. No. 72—An act for the relief of the sheriff of Thurston county.

H. B. No. 100—An act to amend an act entitled "an act relating to county assessors."

H. B. No. 59—An act to transfer certain Territorial funds into the county treasury of Stevens county.

C. B. No. 20—An act for the relief of Al. Pettygrove,

C. B. No. 21—An act to amend an act entitled an act to provide for the election of county commissioners and defining their duties.

On motion of Mr. McReavy,

The clerk was instructed to report forthwith all finished business to the House of Representatives.

On motion of Mr. McReavy,

Council took a recess until 2 o'clock this afternoon.

ELWOOD EVANS,
*Chief Clerk.*

## AFTERNOON SESSION.

COUNCIL CHAMBER,
*Monday, November* 27, 1871,
2 O'CLOCK P. M.

Council met pursuant to adjournment.

Roll called.

Present—Messrs. Calhoun, Foster, Huntington, Joslyn, McReavy, O'Bryant, Smith and Stewart.

In the absence of the President,

On motion of Mr. Calhoun,

Mr. Huntington was called to the chair.

The following message was received from the House by their chief clerk:

HOUSE OF REPRESENTATIVES,
*November* 27, 1871.

MR. PRESIDENT—

I am instructed by the House to inform the Council of the introduction in the House of the following:

H. B. No. 146—An act for the protection of sheep in Island county.

H. B. No. 148—An act to locate a Territorial road from Colville to Wallula.

Also the passage in the House of Representatives of the following:

C. B. No. 34—An act to encourage ship building.

H. B. No. 146—An act for the protection of sheep in Island county.

H. B. No. 147—An act for the protection of deer in Island and Clarke.

H. B. No. 148—An act to locate a road from Fort Colville to Wallula.

H. B. No. 133—An act to provide for the assessing and collecting of county and Territorial revenue.

Also that Messrs. Judson, Brazee and Winans have been ap-

appointed a committee of Conference on the disagreement of the Houses on

C. B. No. 2—An act providing for the appointment of a resident physician for the insane asylum and prescribing his duties.

W. S. BAXTER,
*Chief Clerk.*

PROPOSITIONS AND MOTIONS.

On motion of Mr. Smith of Thurston,

The votes whereby

H. B. No. 109—An act to locate a Territorial road from Walla Walla city, in Walla Walla county, to Fort Colville, in Stevens county,

Was ordered to a third reading, passed and title agreed to, was severally reconsidered.

Said House bill 109, being on its second reading,

On motion of Mr. Smith of Thurston,

A substitute was adopted therefor.

Substitute for H. B. 109—An act to locate a Territorial road from Walla Walla city, in Walla Walla county, to Fort Colville, in Stevens county.

No objection being made, the bill was read second time by title.

On motion of Mr. Smith of Thurston,

Now was assigned as the time for the third reading of the bill.

Bill read a third time, passed and title agreed to.

Mr. Huntington, of Cowlitz, introduced

C. B. No. 35—An act to change the representation of the Council district composed of the counties of Clarke, Cowlitz, Wahkiakum and Pacific.

Bill read first time.

No objections being made, the bill was read a second time by title, and

On motion of Mr. McReavy,

Now was assigned as the time for the third reading of the bill.

Read third time by title, passed and title agreed to.

Mr. Huntington of Cowlitz, introduced

C. B. No. 36—An act authorizing James Huntington to settle with Cowlitz county.

Bill read first time.

No objections being made, bill read second time by title.

On motion of Mr. Calhoun,

Now was assigned as the time for the third reading of the bill.

Read third time, passed and title agreed to.

Mr. Calhoun in the chair.

BILLS, REPORTS AND OTHER BUSINESS ON TABLE.

Report of Committee on Claims.

C. B. No. 32—An act for the relief of Snohomish county.

On motion of Mr. Smith, of Snohomish,

Now was assigned as the time for third reading of the bill.

Bill read a third time, passed and title agreed to.

C. B. No. 33—An act making an appropriation to meet the expenses incurred by the commissioners to locate the penitentiary of the Territory of Washington.

On motion of Mr. Foster,

Now was assigned as the time for the third reading.

Bill read third time, passed and title agreed to.

H. B. No. 111—An act in relation to sales made by administrators and guardians.

On motion of Mr. Joslyn,

Now was assigned as time for third reading.

Bill read third time, passed and title agreed to.

Report of committee on Commerce.

H. B. No. 118—An act creating a board of pilot commissioners and pilots on the Columbia river and bar.

On motion of Mr. Huntington,

Now was assigned as the time for the third reading of the bill.

Bill read third time, passed and title agreed to.

Report of Committee on Roads and Highways.

H. B. No. 138—An act to locate a Territorial road from the mouth of Mill creek in Pacific county, to intersect the military road running from Monticello to Olympia.

On motion of Mr. Huntington,

Now was assigned as the time for third reading of the bill

Bill read third time, passed and title agreed to.

Report of committee on Corporations.

H. B. No. 113—An act in relation to foreign corporations holding property or doing business in this Territory.

On motion of Mr. O'Bryant,

Now assigned as time for third reading.

Bill read third time, passed and title agreed to.

Report of committee on Education.

H. B. No. 121—An act establishing a common school system for the Territory of Washington.

On motion of Mr. McReavy,

Laid upon table.

Report of committee on Agriculture.

H. B. No. 108—An act to amend an act entitled "an act to prevent hogs trespassing in certain counties," approved December 2, 1869.

On motion of Mr. Stewart,

Now was assigned as the time for the third reading of the bill.

Bill read third time, passed and title agreed to.

H. B. No. 132—An act to amend an act entitled "an act authorizing a special tax for the county of Clarke to pay the indebtedness of said county, approved Oct. 30, 1869.

On motion of Mr. Smith of Thurston,

Bill considered as engrossed and now assigned as the time of its third reading.

Bill read third time, passed and title agreed to.

H. B. No. 91—An act relating to stock marks.

Mr. Stewart moved to amend by adding section two, which amendment reads: "This act shall not apply to Walla Walla county."

Amendment adopted.

On motion of Mr. Joslyn,

Now was assigned as the time for the third reading of the bill.

Bill read third time as amended, passed and title agreed to.

On motion of Mr. McReavy,

H. B. No. 81—An act to regulate fees and costs of sheriffs in the counties of Kitsap, Snohomish and Jefferson,

Was taken from the table.

Message from the Governor by his private secretary, as follows:

TERRITORY OF WASHINGTON,
EXECUTIVE OFFICE,
*Olympia, November* 2, 1869.

HON. H. A. SMITH,
*President of the Council of the Legislative Assembly of Washington Territory:*

*Sir*—I have the honor to inform you that I have approved the following entitled bill:

C. B. No. 5—An act to extend and define the corporate limits of the city of Walla Walla.

I am sir,
Very respectfully,
Your obedient servant,
EDWARD S. SALOMON,
*Governor Washington Territory.*

The President announced the appointment of Messrs. McReavy, Joslyn and Huntington as committee of Conference on

part of the Council on disagreement of the two Houses upon

C. B. No. 2—An act providing for the appointment of a resident physician for the insane asylum and prescribing his duties.

On motion of Mr. Calhoun,

The Council proceeded to the consideration, by sections, of

H. B. No. 121—An act establishing a common school system for the Territory of Washington.

On motion of Mr. Smith of Thurston,

Amended in chapter third, section 12, line two, by striking out all after the word "elected" in said section.

On motion of Mr. Smith of Thurston,

It was amended in chapter four, section 16, line two, after the word "district," by inserting "or public."

On motion of Mr. Smith of Thurston,

Further amended by striking out all after the word "section," in line four, section sixteen, chapter four, and substituting the following:

"Such officer or officers shall be liable to a fine of one hundred dollars, to be paid into the common school fund of the county."

Mr. McReavy moved that section seventeen, chapter four, be stricken out and insert the following:

"Thirteen weeks of five days each, shall constitute a quarter of school."

Motion lost.

On motion of Mr. Stewart,

Said section was amended as follows:

"Seventy-two days of school, actually taught, shall constitute a quarter."

On motion of Mr. Stewart,

Section thirty-three, of chapter five, was stricken out.

On motion of Mr. McReavy,

It was further amended by striking out in chapter five, section five, in line seven, the words "any three electors of such district

may make such report;" and inserting the following: "according to law the superintendent shall notify directors and they may make the report within twenty days after the time required by law."

The Council having proceeded in the consideration of said House Bill No. 121 as far as chapter six,

On motion of Mr. O'Bryant,

Council adjourned until to-morrow morning at 10 o'clock.

ELWOOD EVANS,
*Chief Clerk.*

---

COUNCIL CHAMBER,
*Tuesday, November* 28, 1871.

Council met pursuant to adjournment.

Mr. President in the chair.

On calling the roll the following members answered to their names:

Present—Messrs. Calhoun, Foster, Huntington, Joslyn, McReavy, O'Bryant, Smith of Thurston, Stewart and Mr. President.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The following message was received from the House by their clerk:

HOUSE OF REPRESENTATIVES,
*November* 28, 1871.

MR. PRESIDENT—

I am instructed by the House to inform the Council of the passage of

C. B. No. 26—An act regulating taxes on railroads.

C. B. No. 30—An act authorizing the Territorial auditor to

cancel certain delinquent Territorial tax charged against Mason county.

Also, that the House has reconsidered the vote had upon substitute to

C. B. No. 13—An act defining the rights of husband and wife and in relation to descent and distribution of property.

And the same has passed the House without amendments.

And that the House of Representatives have concurred in Council amendments to

H. B. No. 109—An act to locate a Territorial road from Walla Walla city, in Walla Walla county, to Fort Colville, in Stevens county,

Also the passage in the House of Representatives of the following:

H. B. No. 149—An act in relation to hogs in La Conner precinct, Whatcom county.

H. B. No. 134—An act to amend the apportionment law of the Territory.

H. B. No. 138—An act in relation to female suffrage.

Also that the Speaker of the House of Representatives has signed

C. B. No. 29—An act to amend an act entitled "an act to provide for the appointment of commissioners of deeds, passed Jan. 19, 1863.

C. B. No. 25—An act to enable towns and cities to appropriate lands for streets, roads and alleys.

C. B. No. 19—An act for the relief of James Huntington & Son,

H. B. No. 66—An act to repeal an act entitled "an act to provide payment for quartermaster general."

H. B. No. 70—An act to change the name of Almanson Morey to Almanson Lovelace.

H. B. No. 90—An act to make valid the location of the Territorial road from Boisfort prairie, in Lewis county, intersecting the military road at a point above Henry Jackson's in Cowlitz county.

H. B. No. 97—An act to organize the county of Whitman.

H. B. No. 116—An act to provide for a new seal for Washington Territory.

H. B. No. 125—An act to amend an act entitled "an act to prevent hogs trespassing in certain counties, approved December 2, 1867.

H. B. No. 126—An act in relation to road tax in Kitsap county.

H. B. No. 127—An act to pay the expenses of the joint committee to visit the Territorial university.

H. J. M. No. 9—Relative to light houses in Washington Territory.

H. J. M. No. 10—Relative to mail service from Seattle to Bellingham Bay.

H. B. No. 132—An act to amend an act entitled "an act authorizing a special tax for the county of Clarke to pay the indebtedness of said county, approved Oct. 30, 1869.

H. B. No. 81—An act to regulate fees and costs of sheriffs in the counties of Kitsap, Snohomish and Jefferson.

H. B. No. 138—An act to locate a Territorial road from the mouth of Mill creek in Pacific county, to intersect the military road running from Monticello to Olympia.

Substitute for H. B. 109—An act to locate a Territorial road from Walla Walla city, in Walla Walla county, to Fort Colville, in Stevens county.

H. B. No. 104—An act to protect the capitol from fire.

H. B. No. 64—An act in relation to Territorial treasurer.

H. B. No. 84—An act to amend an act entitled "an act to incorporate the city of Port Townsend, Jefferson county, W. T.," passed January 16th, 1860, and all subsequent acts amendatory thereto.

H. B. No. 95—An act in relation to seals.

H. B. No. 85—An act to make valid imperfect conveyances to land.

C. B. No. 22—An act modifying the law relating to estrays in the county of Walla Walla.

C. B. No. 27—An act to change the boundaries of Cowlitz and Clarke counties.

W. S. BAXTER,
*Chief Clerk.*

REPORTS OF STANDING COMMITTEES.

Mr. Stewart, of the committee on Corporations, made the following report:

MR. PRESIDENT—

The committee on Corporations, to whom was referred

H. B. No. 89—An act amendatory of an act entitled "an act amendatory of an act entitled an act to incorporate the town of Olympia,"

Have instructed me to report said bill back and recommend its passage.

Respectfully submitted,
DANIEL STEWART,
*Chairman.*

Mr. McReavy, chairman of committee on Conference on C. B. No. 2, made the following report:

MR. PRESIDENT—

Your committee of Conference to whom was referred

C. B. No. 2—An act providing for the appointment of a resident physician for the insane asylum and prescribing his duties,

Have had the same under consideration and recommend the following amendments:

Strike out "Territorial auditor and Dr. A. H. Steel," and insert the "school superintendent of Thurston county, W. T., and the county commissioners of Pierce county, W. T.". Also, strike out "nine hundred" and insert "one thousand."

JOHN McREAVY,
*Chairman.*

Mr. Smith, chairman of the committee on Ways and Means, made the following report:

MR. PRESIDENT—

Your committee on Ways and Means, to whom was referred

H. B. No. 142—Substitute for C. B. No. 28 and H. B. No.'s 75, 99, 129, an act for the relief of Giles Ford and others,

Have had the same under consideration and have instructed me to report the same back to the Council and recommend its passage.

E. L. SMITH,
*Chairman.*

Mr. McReavy from the committee on Enrolled Bills, made the following report:

MR. PRESIDENT—

Your committee have compared and find correctly enrolled the following:

H. B. No. 91—An act relating to stock marks.

H. B. No. 108—An act to amend an act entitled "an act to prevent hogs trespassing in certain counties," approved December 2, 1869.

H. B. No. 141—An act in relation to the county seat of Cowlitz county.

H. B. No. 113—An act in relation to foreign corporations holding property or doing business in this Territory.

H. B. No. 132—An act to amend an act entitled "an act authorizing a special tax for the county of Clarke to pay the indebtedness of said county.

H. B. No. 81—An act to regulate fees and costs of sheriffs in the counties of Kitsap and Jefferson.

H. B. No. 90—An act to locate a Territorial road from the mouth of Mill creek, on the Willopa river, Pacific county, to intersect with the military road running from Monticello to Olympia.

H. B. 109—An act to locate a Territorial road from Walla Walla city, in Walla Walla county, to Fort Colville, in Stevens county.

H. B. No. 104—An act to protect the Territorial capitol from fire.

H. B. No. 64—An act in relation to Territorial treasurer.

H. B. No. 84—An act to amend an act entitled "an act to

incorporate the city of Port Townseud, Jefferson county, Washington Territory.

H. B. No. 95—An act in relation to seals.

Substitute for H. B. 111—An act to cure the defects in certain conveyances and to declare them good and lawful deeds to the lands described therein.

C. B. No. 22—An act modifying the law relating to estrays in the county of Walla Walla.

C. B. No. 27—An act to change the boundaries of Cowlitz and Clarke counties.

H. J. R. No. 8—Resolution providing for the publication and distribution of certain laws in pamphlet form.

JOHN McREAVY,
*Chairman.*

PROPOSITIONS AND MOTIONS.

Mr. McReavy, of Pierce and Mason, introduced

C. B. No. 37—An act authorizing the resident physician of the insane asylum to rent the buildings at Fort Steilacoom.

Mr. Calhoun in the chair.

Mr. Smith, of Snohomish, introduced

C. B. No. 38—An act in relation to descent and distribution of property.

On motion of Mr. Smith of Snohomish,

Bill read first time.

No objections being made, bill read second time by title.

On motion of Mr. Foster,

Now was assigned as the time for the third reading of the bill.

Read third time by title, passed and title agreed to.

Mr. Smith of Snohomish, moved to take up the report of the committee on Corporations on

H. B. No. 89—An act amendatory of an act entitled "an act amendatory of an act entitled an act to incorporate the town of Olympia."

Motion to adopt the report lost.

Mr. Stewart offered an amendment to section seven of the bill, to leave it to a vote of the citizens.

Motion lost.

Mr. Smith of Thurston, moved that now be assigned as time for third reading of the bill.

On a motion for a call of the House, the Sergeant-at-Arms was dispatched after Mr. McReavy, he being absent.

On the final passage of the bill the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Calhoun, Foster, Huntington, Joslyn, Smith of Thurston and Mr. President—6.

Those voting in the negative were

Messrs. O'Bryant and Stewart—2.

Absent—Mr. McReavy.

So the bill passed and the title agreed to.

Mr. Smith of Thurston, moved to reconsider the vote by which H. B. No. 89 had passed the Council.

Mr. Smith of Thurston, moved that the motion to re-consider be indefinitely postponed.

Motion to indefinitely postpone carried.

The following message was received from the House by their chief clerk:

HOUSE OF REPRESENTATIVES,
*November* 28, 1871.

MR. PRESIDENT—

I am instructed by the House to inform the Council of the passage by the House of the following:

Substitute for H. B. No. 102—An act to allow a bounty for killing willing wild animals.

W. S. BAXTER,
*Chief Clerk.*

On motion of Mr. Huntington,

The Council took from the table Council substitute for H. B. No. 46.

Mr. McReavy moved to take the substitute for the original bill and engross it as

C. B. No. 39—An act to amend an act entitled "an act in relation to roads, ferries, bridges and travel on public highways, approved Dec. 2, 1869.

Motion carried.

On motion of Mr. Foster,

Bill read second time.

On motion of Mr. Smith of Snohomish,

Rules were suspended, bill read third time, passed, and title agreed to.

H. B. No. 142—Substitute for C. B. 28, and H. B's 75, 99 and 129, an act for the relief of Giles Ford and others.

With the report of the committee thereon, were taken up.

On motion of Mr. Stewart,

Report of committee was adopted.

On motion of Mr. Foster,

Bill read a second time.

On motion of Mr. McReavy,

The rules were suspended, bill read third time, passed and title agreed to.

On motion of Mr. McReavy,

H. B. No. 121—An act establishing a common school system for the Territory of Washington,

Was taken from the table.

On motion of Mr. Smith of Thurston,

Now was assigned as the time for the third reading of the bill.

Read third time, passed and title agreed to.

Mr. President in the chair.

The President announced that he was about to sign the following:

C. B. No. 29—An act to amend an act entitled an act to provide for the appointment of commissioners of deeds.

C. B. No. 25—An act to enable towns and cities to appropriate lands for streets, roads and alleys.

C. B. No. 19—An act for the relief of James Huntington & Son,

H. B. No. 66—An act to repeal an act entitled "an act to provide payment for quartermaster general."

H. B. No. 70—An act to change the name of Almanson Morey to Almanson Lovelace.

H. B. No. 90—An act to make valid the location of the Territorial road from Boisfort prairie, in Lewis county, intersecting the military road at a point above Henry Jackson's in Cowlitz county.

H. B. No. 97—An act to organize the county of Whitman.

H. B. No. 116—An act to provide for a new seal for Washington Territory.

H. B. No. 125—An act to amend an act entitled "an act to prevent hogs trespassing in certain counties, approved December 2, 1867.

H. B. No. 126—An act in relation to road tax in Kitsap county.

H. B. No. 127—An act to pay the expenses of the joint committee to visit the Territorial university.

H. J. M. No. 9—Relative to light houses in Washington Territory.

H. J. M. No. 10—Relative to mail service from Seattle to Bellingham Bay.

H. B. No. 132—An act to amend an act entitled "an act authorizing a special tax for the county of Clarke to pay the indebtedness of said county, approved Oct. 30, 1869.

H. B. No. 81—An act to regulate fees and costs of sheriffs in the counties of Kitsap, Snohomish and Jefferson.

H. B. No. 138—An act to locate a Territorial road from the mouth of Mill creek in Pacific county, to intersect the military road running from Monticello to Olympia.

Substitute for H. B. 109—An act to locate a Territorial road

from Walla Walla city, in Walla Walla county, to Fort Colville, in Stevens county.

H. B. No. 104—An act to protect the capitol from fire.

H. B. No. 64—An act in relation to Territorial treasurer.

H. B. No. 84—An act to amend an act entitled "an act to incorporate the city of Port Townsend, Jefferson county, W. T.," passed January 16th, 1860, and all subsequent acts amendatory thereto.

H. B. No. 95—An act in relation to seals.

H. B. No. 85—An act to make valid imperfect conveyances to land.

C. B. No. 22—An act modifying the law relating to estrays in the county of Walla Walla.

C. B. No. 27—An act to change the boundaries of Cowlitz and Clarke counties.

H. J. R. No. 8—Resolution providing for the publication and distribution of certain laws in pamphlet form.

The clerk was instructed to report forthwith all finished business to the House of Representatives.

On motion of Mr. Foster,

Council took a recess until 2 o'clock this afternoon.

ELWOOD EVANS,
*Chief Clerk.*

---

## AFTERNOON SESSION.

COUNCIL CHAMBER,
*Tuesday, November* 28, 1871,
2 O'CLOCK P. M.

Council met pursuant to adjournment.

Mr. President in the chair.

Roll called.

Present—Messrs. Calhoun, Foster, Huntington, Joslyn, McReavy, O'Bryant, Smith of Thurston, Stewart, and Mr. President.

Message from the House by their chief clerk, in the words following:

HOUSE OF REPRESENTATIVES,
*November* 28, 1871.

MR. PRESIDENT—

I am instructed by the House to inform the Council of the passage in the House of the following:

H. B. No. 151—An act making the sheriff of Pierce county *ex-officio* assessor of said county.

H. B. No. 144—An act to incorporate the city of Kalama.

C. B. No. 36—An act authorizing James Huntington to settle with Cowlitz county.

Also that the Speaker has signed

H. B. No. 113—An act in relation to foreign corporations holding property or doing business in this Territory.

H. B. No. 108—An act to amend an act entitled "an act to prevent hogs trespassing in certain counties," approved December 2, 1869.

H. B. No. 91—An act relating to stock marks.

H. B. No. 141—An act in relation to the county seat of Cowlitz county.

W. S. BAXTER,
*Chief Clerk.*

C. B. No. 2—An act providing for the appointment of a resident physician for the insane asylum and prescribing his duties,

Was taken up together with the report of committee on conference, and

On motion of Mr. Stewart,

Laid on table and made special order of day for to-morrow, Nov. 29, 1871.

H. B. No. 68—An act for the relief of Hill Harmon.

Was next taken up.

Mr. Joslyn moved that the bill now be put upon its third reading, pending which,

The following message was received from the House by their chief clerk:

HOUSE OF REPRESENTATINES,
*Tuesday, November* 28, 1871.

MR. PRESIDENT—

I am instructed by the House to inform the Council of the passage in the House of the following:

H. B. No. 143—An act to provide for the incorporation of towns.

W. S. BAXTER,
*Chief Clerk.*

Message from the Governor by his private secretary, as follows:

TERRITORY OF WASHINGTON,
EXECUTIVE OFFICE,
*Olympia, November* 28, 1869.

HON. H. A. SMITH,
*President of the Council of the Legislative Assembly of Washington Territory:*

*Sir*—I have the honor to inform you that I have approved the following entitled bills:

C. B. No. 20—An act for the relief of Al. Pettygrove,

C. B. No. 21—An act to amend an act entitled an act to provide for the election of county commissioners and defining their duties.

I am sir,
Very respectfully,
Your obedient servant,
EDWARD S. SALOMON,
*Governor Washington Territory.*

Mr. Stewart moved to strike out the amount paid to H. R. Hatch from the body of said H. B. No. 68.

Upon which motion the ayes and nays were demanded with the following result:

Those voting in the affirmative were—

Messrs. Calhoun, Foster, Huntington, McReavy, Smith and Mr. President—6.

Those voting in the negative were—

Messrs. O'Bryant and Stewart—2.

So the bill passed and title agreed to.

The following message was received from the House by their chief clerk:

HOUSE OF REPRESENTATIVES,
*November* 28, 1871.

MR. PRESIDENT—

I am instructed by the House to inform the Council of the passage in the House of the following:

C. M. No. 1—Praying Congress to appropriate $60,000 for removing obstructions from the upper Columbia river between Celilo and Wallula.

H. J. M. No. 11—Relative to mail service from Puget Sound to be transmitted by rail and steamers via San Francisco.

H. B. No. 152—An act to authorize Wm. Simmons to take and hold the office of assessor in Clarke county, W. T.

W. S. BAXTER,
*Chief Clerk.*

On motion of Mr. Calhoun,

H. B. No. 144—An act to incorporate the city of Kalama,

Was now taken up.

On motion of Mr. Stewart,

Bill read first time.

No objections being made, the bill was read a second time by title, and

On motion of Mr. Calhoun,

Now was assigned as the time for third reading of the bill.

Bill read a third time, passed and title agreed to.

On motion of Mr. Calhoun,

H. B. No. 143—An act to provide for the incorporation of towns,

Was next taken up.

On motion of Mr. Stewart,

Bill read first time.

No objections being made, the bill was read second time by title.

On motion of Mr. Huntington,

Now was assigned as the time for the third reading.

Bill read third time, passed and title agreed to.

Mr. Smith of Thurston introduced

C. J. R. No. 13—Relative to adjourning *sine die.*

Motion to indefinitely postpone the resolution was lost by the folowing vote:

Those voting in the affirmative were

Messrs. Calhoun and Huntington—2.

Those voting in the negative were

Messrs. Foster, McReavy, O'Bryant, Stewart, Smith of Thurston, and Mr. President—6.

Absent—Mr. Joslyn.

Mr. Smith moved to amend the resolution by changing the time of adjournment from Wednesday evening, Nov. 29, to Thursday morning, Nov. 30, at 1 o'clock.

On this motion the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Foster, Joslyn, McReavy, O'Bryant, Stewart, Smith and Mr. President—7.

Those voting in the negative were

Messrs. Calhoun and Huntington—2.

Amendment adopted.

H. B. No. 107—An act to authorize persons accused of crime to be witnesses in his or her own behalf.

On motion of Mr. Stewart,

Now was assigned as the time for the third reading of the bill.

Bill read a third time, passed and title agreed to.

Mr. McReavy, from committee on Agriculture, made the following report:

MR. PRESIDENT—

The committee on Agriculture to whom was referred

C. B. No. 10—An act to amend an act entitled "an act to regulate the practice and proceedings in civil actions," approved Dec. 2, 1869,

Have had the same under consideration, and have instructed me to report the same back to the Council, with amendments.

JOHN McREAVY,
*Chairman.*

The following message was received from the House by their clerk:

HOUSE OF REPRESENTATIVES,
*November* 28, 1871.

MR. PRESIDENT—

I am instructed by the House to inform the Council of the passage of

C. B. No. 24—An act relative to the location of the county seat of Klikitat county.

C. B. No. 32—An act for the relief of Snohomish county.

W. S. BAXTER,
*Chief Clerk.*

On motion of Mr. Calhoun,

H. B. No. 20—Substitute for C. B. No, 9, an act to amend an act entitled "an act to regulate the practice and proceedings in civil actions,"

Was taken from the table.

On motion of Mr. Foster,

Now was assigned as time for third reading.

Bill read third time, passed and title agreed to.

Mr. Calhoun moved to adjourn.

Motion lost.

The President gave notice that he was about to sign the following:

H. B. 27—An act to amend an act entitled "an act to prevent hogs trespassing in certain counties," approved December 2, 1867.

H. B. No. 113—An act in relation to foreign corporations holding property or doing business in this Territory.

H. B. No. 141—An act in relation to the county seat of Cowlitz county.

H. B. No. 91—An act in relation to stock marks.

On motion of Mr. Huntington,

H. B. No. 138—An act in relation to female suffrage,

Was taken from the table.

On motion of Mr. Joslyn,

Bill read first time.

Mr. Foster moved to suspend the rules that the bill might pass to its second and third readings.

Motion lost.

On motion of Mr. Smith of Thurston,

The Council adjourned until 10 o'clock A. M. to-morrow.

ELWOOD EVANS,
*Chief Clerk.*

---

COUNCIL CHAMBER,
*Wednesday, November* 29, 1871.

Council met pursuant to adjournment.

Mr. President in the chair.

Upon calling the roll the following members answered to their names:

Messrs. Calhoun, Foster, Huntington, McReavy, O'Bryant, Smith of Thurston, Stewart, Joslyn and Mr. President.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The following message was received from the House by their chief clerk:

HOUSE OF REPRESENTATIVES,
*November* 20, 1871.

MR. PRESIDENT—

I am instructed by the House to inform the Council of the passage by the House of the following:

C. B. No. 33—An act making an appropriation to meet the expenses incurred by the commissioners to locate the penitentiary of the Territory of Washington.

H. B. No. 150—An act for the relief of H. R. Hatch.

H. J. R. No. 10—Relative to the town of Kalama incorporating under the general incorporation law.

C. B. No. 35—An act to change the representation of the Council district composed of the counties of Clarke, Cowlitz, Wahkiakum and Pacific.

C. B. No. 39—An act to amend an act entitled "an act in relation to roads, ferries, bridges and travel on public highways, approved Dec. 2, 1869.

H. B. No. 153—An act for the relief of W. S. Baxter.

And that the House of Representatives have concurred in Council amendments to

H. S. for C. B. No. 9 and H. B. No. 20—An act to amend an act entitled "an act to regulate the practice and proceedings in civil actions," approved Dec. 2, 1869.

Also, that the House of Representatives has refused to concur in the Council amendments to

H. B. No. 142—Substitute for C. B. 28, and H. B's 75, 99 and 129, an act for the relief of Giles Ford and others.

And that the report of committee of Conference on

C. B. No. 2—An act providing for the appointment of a resident physician for the insane asylum and prescribing his duties,

Has been adopted by the House.

Also that the House has concurred in the amendment made by the Council to

H. B. No. 121—An act establishing a common school system for the Territory of Washington.

Also that the Speaker of the House of Representatives has signed

C. B. No. 34—An act to encourage ship building.

C. B. No. 30—An act authorizing the Territorial auditor to cancel certain delinquent Territorial tax charged against Mason county.

C. B. No. 26—An act regulating taxes on railroads.

H. B. No. 89—An act amendatory of an act entitled "an act amendatory of an act entitled an act to incorporate the town of Olympia."

H. B. No. 118—An act creating a board of pilot commissioners and pilots on the Columbia river and bar.

W. S. BAXTER,
*Chief Clerk.*

Message from the Governor by his private secretary, as follows:

TERRITORY OF WASHINGTON,
EXECUTIVE OFFICE,
*Olympia, November* 28, 1869.

HON. H. A. SMITH,
*President of the Council of the Legislative Assembly of Washington Territory:*

*Sir*—I have the honor to inform you that I have approved the following entitled bills:

C. B. No. 30—An act authorizing the Territorial auditor to cancel certain delinquent Territorial tax charged against Mason county.

C. B. No. 26—An act regulating taxes upon certain railroads,

C. B. No. 34—An act to encourage shipbuilding.

I am sir,
Very respectfully,
Your obedient servant,
EDWARD S. SALOMON,
*Governor Washington Territory.*

Mr. McReavy from the committee on Enrolled Bills, made the following report:

MR. PRESIDENT—

Your committee have compared and find correctly enrolled the following:

H. B. No. 138—An act in relation to female suffrage,

H. B. No. 143—An act to provide for the incorporation of towns.

C. M. No. 1—Praying Congress to appropriate $60,000 for removing obstructions from the upper Columbia river between Celilo and Wallula.

H. B. No. 144—An act to incorporate the city of Kalama,

H. B. No. 107—An act to authorize persons accused of crime to be a witness in his or her own behalf.

H. B. No. 61—An act to amend an act entitled an act establishing a common school system for the Territory of Washington.

H. B. No. 109—An act to locate a Territorial road from Walla Walla city, in Walla Walla county, to Fort Colville, in Stevens county.

H. B. 103—An act to amend an act entitled "an act to regulate the practice and proceedings in civil actions," approved Dec. 2, 1869.

H. B. No. 68—An act for the relief of Hill Harmon.

C. B. No. 35—An act to change the representation of the Council district composed of the counties of Clarke, Cowlitz, Wahkiakum and Pacific.

H. B. No. 149—An act in relation to hogs in La Conner precinct, Whatcom county.

C. B. No. 36—An act authorizing James Huntington to settle with Cowlitz county.

C. B. No. 24—An act relative to the location of the county seat of Klikitat county.

C. B. No. 32—An act for the relief of Snohomish county.

H. J. R. 3—Relative to joint committee to examine reports of Territorial treasurer and auditor.

Substitute for H. B. No. 46—An act to amend an act entitled

"an act in relation to roads, ferries, bridges and travel on public highways.

H. B. No. 40—An act in relation to the sheriffs of Pacific, Yakima, Kitsap, Skamania, Whatcom, Snohomish, Clalm and Stevens counties.

H. B. No. 126—An act in relation to road tax in Kitsap county.

H. B. No. 152—An act to authorize Wm. Simmons to take and hold the office of assessor in Clarke county, W. T.

C. B. No. 38—An act in relation to descent and distribution of property.

H. B. No. 142—Substitute for C. B. No. 28 and H. B. No.'s 75, 99, 129, an act for the relief of Giles Ford and others,

H. B. No. 146—An act for the protection of sheep in Island county.

H. B. No. 147—An act for the protection of deer in Island and Clarke.

C. B. No. 37—An act authorizing the resident physician of the insane asylum to rent the buildings at Fort Steilacoom.

H. B. No. 79—An act to make perfect titles in Washington Territory.

C. B. No. 33—An act making an appropriation to meet the expenses incurred by the commissioners to locate the penitentiary of the Territory of Washington.

H. J. R. No. 8—Resolution providing for the publication and distribution of certain laws in pamphlet form.

H. B. No. 140—An act for the relief of L. L. Moore.

H. B. No. 133—An act to provide for the assessing and collecting of county and Territorial revenue.

JOHN McREAVY,
*Chairman.*

On motion of Mr. Foster,

C. B. No. 32—An act for the relief of Snohomish county,

Was taken from the table.

On motion of Mr. Smith of Snohomish,

The Council concurred in House amendments to same.

On motion of Mr. McReavy,

C. B. No. 35—An act to change the representation of the Council district composed of the counties of Clarke, Cowlitz, Wahkiakum and Pacific,

Laid upon table.

Mr. McReavy, chairman of committee on Conference on C. B. No. 33, made the following report:

MR. PRESIDENT—

Your committee of Conference to whom was referred C. B. No. 33, beg leave to report that they have had the same under consideration and have agreed that the House recede from its amendment to said bill.

JOHN McREAVY,
*Chairman.*

Mr. Calhoun, chairman of committee on Conference, on H. B. No. 142, made the following report:

MR. PRESIDENT—

Your committee on Conference, to whom was referred disagreement of the two Houses on Council amendment to H. B. No. 142, have performed the duty imposed upon them and beg leave to recommend the following amendment:

Strike out in Council amendment "three hundred dollars" and insert "two hundred and fifty dollars."

Respectfully submitted,

GEO. V. CALHOUN,
*Chairman.*

Mr. Smith, chairman committee on Conference, made the following report:

It is recommended by joint committee of Conference on H. B. 153, that there be appropriated for the relief of the chief clerk of each House, the sum of $50, and for each assistant clerk the sum of $25.

E. L. SMITH,
*Chairman.*

PROPOSITIONS AND MOTIONS.

Mr. Smith of Thurston introduced

C. B. No. 40—An act making the sheriff of Mason county county assessor.

On motion of Mr. Foster,

Bill read first time.

No objections being made, bill read second time by title.

On motion of Mr. McReavy,

Now was assigned as the time for the third reading of the bill.

Read third time by title, passed and title agreed to.

Mr. Calhoun, of Jefferson, introduced

C. B. No. 41—An act for the payment of certain clerks of the Legislative Assembly for extra services in preparing the laws and journals for publication.

On motion of Mr. Foster,

Bill read first time.

No objections being made, bill was read second time now by title,

And on leave withdrawn.

On motion of Mr. Smith of Thurston,

H. B. No. 148—An act to locate a Territorial road from Colville to Wallula,

Was next taken up.

On motion of Mr. Calhoun,

Now was assigned as the time for third reading of the bill.

Bill read a third time, passed and title agreed to.

Mr. Smith of Thurston moved to take up

C. B. No. 39—An act to amend an act entitled "an act in relation to roads, ferries, bridges and travel on public highways,"

And concur in House amendments to the same.

Motion carried and Council concurred.

On motion of Mr. Huntington,

The Council concurred in House amendments to

C. B. No. 46—An act to authorize James Huntington & Son to settle with Cowlitz county.

H. B. No. 133—An act to provide for the assessing and collecting of Territorial and county revenue,

Was taken up and, on its second reading, Mr. Stewart offered an amendment which,

On motion of Mr. Smith of Thurston,

Was adopted.

The following message was received from the House by their clerk:

HOUSE OF REPRESENTATIVES,
*November* 29, 1871.

MR. PRESIDENT—

I am instructed by the House to inform the Council of the signing by the Speaker of the following bills:

An act to authorize persons accused of crime to be witnesses in his or her own behalf.

An act for the relief of Hill Harmon.

An act to incorporate the city of Kalama.

W. S. BAXTER,
*Chief Clerk.*

The President announced that he was about to sign the following:

H. B. No. 89—An act amendatory of an act entitled "an act amendatory of an act entitled an act to incorporate the town of Olympia."

An act to encourage ship building in Washington Territory.

An act authorizing the Territorial auditor to cancel certain delinquent taxes charged against Mason county.

An act regulating taxes upon railroads.

An act creating a board of pilots and pilot commissioners on the Columbia river and bar.

Mr. Joslyn moved to reconsider the motion by which H. B. 133 had passed its third reading.

Motion carried.

On motion of Mr. Joslyn,

Bill laid on table subject to order of Council.

On motion of Mr. McReavy,

C. B. No. 35, as amended by the House, was taken up and read for information.

Message from the House by their chief clerk, in the words following:

HOUSE OF REPRESENTATIVES,
*November* 29, 1871.

MR. PRESIDENT—

I am instructed by the House to inform the Council of the signing by the Speaker of the following:

H. B. No. 143—An act to provide for the incorporation of towns.

Substitute for H. B. 109—An act to locate a Territorial road from Walla Walla city, in Walla Walla county, to Fort Colville, in Stevens county.

H. B. No. 20—Substitute for C. B. No, 9, an act to amend an act entitled "an act to regulate the practice and proceedings in civil actions."

H. B. No. 46—An act to amend an act entitled "an act in relation to roads, ferries, bridges and travel on public highways."

An act in relation to female suffrage.

An act in relation to the location of the county seat of Klikitat county.

An act for the relief of Snohomish county.

An act to authorize James Huntington to settle with Cowlitz county.

Memorial praying Congress to appropriate $60,000 for removing obstructions from the upper Columbia river between Celilo and Wallula.

Resolution for the incorporation of the town of Kalama.

Also, that the committee of Conference has agreed on the amendments to H. B. No. 142.

W. S. BAXTER,
*Chief Clerk.*

The President gave notice that he was about to sign the following:

H. B. No. 143—An act to provide for the incorporation of towns.

Substitute for H. B. 109—An act to locate a Territorial road from Walla Walla city, in Walla Walla county, to Fort Colville, in Stevens county.

H. B. No. 20—Substitute for C. B. No, 9, an act to amend an act entitled "an act to regulate the practice and proceedings in civil actions."

H. B. No. 46—An act to amend an act entitled "an act in relation to roads, ferries, bridges and travel on public highways."

An act in relation to female suffrage.

An act in relation to the location of the county seat of Klikitat county.

An act for the relief of Snohomish county.

An act to authorize James Huntington to settle with Cowlitz county.

Memorial praying Congress to appropriate $60,000 for removing obstructions from the upper Columbia river between Celilo and Wallula.

Resolution for the incorporation of the town of Kalama.

On motion of Mr. Foster,

C. B. No. 32—An act for the relief of Snohomish county,
Was taken from the table.

On motion of Mr. Smith of Thurston,

Council concurred in House amendments thereto.

On motion of Mr. Huntington,

H. B. No. 138—An act in relation to female suffrage,
Was next taken up.

On motion of Mr. Stewart,

Bill read second time.

On motion of Mr. Foster,

To suspend the rules, a division was called and the motion carried.

The bill was then put upon its final passage.

Mr. Calhoun moved to strike out certain portions of the bill.

Mr. Foster moved to lay the amendment upon the table.

The previous question was then called for.

The question being "Shall the bill pass?" the ayes and noes were demanded with the following result:

Those voting in the affirmative were—

Messrs. Foster, Huntington, Joslyn, McReavy, O'Bryant and Smith—6.

Those voting in the negative were—

Messrs. Calhoun, Stewart and Mr. President—3.

So the bill passed and the title agreed to.

The following message was received from the House by their chief clerk:

HOUSE OF REPRESENTATIVES,
*November* 29, 1871.

MR. PRESIDENT—

I am instructed by the House to inform the Council of the passage in the House of the following:

H. J. M. No. 13—Relative to the reduction of the Yakima Indian reservation.

H. J. R. No. 12—Relative to Port Townsend forming town organization.

H. J. R. No. 13—Relative to passage of substitute to C. B. No. 13.

H. B. No. 155—An act making the sheriffs of Yakima, Jefferson, Klikitat and Kitsap counties *ex-officio* assessors of said county.

W. S. BAXTER,
*Chief Clerk.*

On motion of Mr. McReavy,

H. J. R. No. 10—Relative to the town of Kalama incorporating under the general incorporation law,

Was now taken up.

On motion of Mr. Stewart,

Resolution read first time.

No objections being made, resolution read second time.

On motion of Mr. Joslyn,

Now was assigned as the time for the third reading of the resolution.

Resolution read a third time and passed.

*Resolved by the House, the Council concurring,* That the town of Kalama may form a town organization under the general law for the incorporation of towns, passed Nov. 28, 1871, if the majority of the citizens so desire.

On motion of Mr. Joslyn,

Substitute for H. B. No. 102—An act to allow a bounty for killing wild animals,

Was taken from the table.

On motion of Mr. Stewart,

Bill read a second time.

On motion of Mr. Foster,

Now was assigned as time for third reading.

Bill read third time, passed and title agreed to.

On motion of Mr. Calhoun,

H. B. No. 149—An act for the prevention of raffles, &c.,

Was taken up.

On motion of Mr. Stewart,

Bill read first time.

Objection being made to its second reading it was laid on the table.

On motion of Mr. Foster,

Council took a recess until 2 o'clock this afternoon.

ELWOOD EVANS,
*Chief Clerk.*

## AFTERNOON SESSION.

COUNCIL CHAMBER,
*Wednesday, November* 29, 1871,
2 O'CLOCK P. M.

Council met pursuant to adjournment.

Mr. President in the chair.

Roll called.

Present—Messrs. Calhoun, Foster, Huntington, Joslyn, McReavy, O'Bryant, Smith of Thurston, Stewart, and Mr. President.

Message from the House by their chief clerk, in the words following:

HOUSE OF REPRESENTATIVES,
*November* 29, 1871.

MR. PRESIDENT—

I am instructed by the House to inform the Council of the passage by the House of the following:

H. B. No. 140—An act for the relief of L. L. Moore.

H. B. No. 150—An act to provide for building a court house and jail in Clarke county.

W. S. BAXTER,
*Chief Clerk.*

Mr. McReavy from the committee on Enrolled Bills, made the following report:

MR. PRESIDENT—

Your committee have compared and find correctly enrolled the following:

C. B. No. 34—An act to encourage ship building.

C. B. No. 30—An act authorizing the Territorial auditor to cancel certain delinquent Territorial tax charged against Mason county.

C. B. No. 26—An act regulating taxes on railroads.

H. B. No. 89—An act amendatory of an act entitled "an act amendatory of an act entitled an act to incorporate the town of Olympia."

H. B. No. 118—An act creating a board of pilot commissioners and pilots on the Columbia river and bar.

JOHN McREAVY,
*Chairman.*

On motion of Mr. McReavy,

C. B. No. 37—An act authorizing the resident physician of the insane asylum to rent the buildings at Fort Steilacoom,

Was taken from the table.

On motion of Mr. Smith of Thurston,

Bill read second time.

On motion of Mr. Stewart,

Now was assigned as the time for the third reading.

Bill read third time, passed and title agreed to.

On motion of Mr. Joslyn,

H. B. No. 149—An act in relation to hogs in La Conner precinct, Whatcom county,

Was taken up.

On motion of Mr. Stewart,

Bill read first time.

No objections being made, the bill was read a second time by title, and

On motion of Mr. Stewart,

Now was assigned as the time for the third reading of the bill.

Bill read a third time, passed and title agreed to.

The following message was received from the House by their chief clerk:

HOUSE OF REPRESENTATIVES,
*November* 29, 1871.

MR. PRESIDENT—

I am instructed by the House to inform the Council of the passage in the House of the following:

H. B. No. 154—An act providing for the publication and distribution of certain laws.

W. S. BAXTER,
*Chief Clerk.*

Non-concurrence by the Council in the House amendments to C. B. No. 33—An act making an appropriation to meet the expenses incurred by the commissioners to locate the penitentiary of the Territory of Washington.

On motion of Mr. McReavy,

The Council refused to concur in House amendments to said C. B. No. 33, and requested a committee of conference relative to disagreement of Houses on said amendments.

The President appointed Messrs. McReavy, O'Bryant and Joslyn as such committee.

Message from the Governor by his private secretary, as follows:

TERRITORY OF WASHINGTON,
EXECUTIVE OFFICE,
*Olympia, November* 28, 1869.

HON. H. A. SMITH,
*President of the Council of the Legislative Assembly of Washington Territory:*

*Sir*—I have the honor to inform you that I have approved the following entitled bills:

C. B. No. 32—An act for the relief of Snohomish county.

C. B. No. 36—An act authorizing James Huntington to settle with Cowlitz county.

H. B. No. 113—An act in relation to foreign corporations holding property or doing business in this Territory.

H. B. No. 151—An act making the sheriff of Pierce county *ex-officio* assessor of said county.

H. B. No. 91—An act relating to stock marks.

H. B. No. 95—An act in relation to seals.

C. B. No. 29—An act to amend an act entitled an act to provide for the appointment of commissioners of deeds.

C. B. No. 22—An act modifying the law relating to estrays in the county of Walla Walla.

C. B. No. 19—An act for the relief of James Huntington & Son.

C. B. No. 25—An act to enable towns and cities to appropriate lands for streets, roads and alleys.

I am sir,

Very respectfully,

Your obedient servant,

EDWARD S. SALOMON,

*Governor Washington Territory.*

H. J. R. No. 12—Relative to the incorporation of Port Townsend.

*Resolved by the House of Representatives, the Council concurring*, That the town of Port Townsend, Jefferson county, W. T., may form a town organization under the general law for the incorporation of towns, passed November 28, 1871, if the majority of citizens so desire, at any time on or before October 1st, 1873.

On motion of Mr. Calhoun,

Resolution read first time.

No objections being made, resolution read a second time by title.

On motion of Mr. Calhoun,

Now was assigned as the time for the third reading of the resolution.

Resolution read third time, passed and title agreed to.

Mr. Smith of Thurston introduced

C. B. No. 41—An act relating to apportionment.

On motion of Mr. Stewart,

Bill read first time.

No objections being made, the bill was read second time by title.

On motion of Mr. Foster,

Laid upon the table.

The following message was received from the House by their clerk:

HOUSE OF REPRESENTATIVES,
*November* 29, 1871.

MR. PRESIDENT—

I am instructed by the House to inform the Council of the passage of

C. B. No. 37—An act authorizing the resident physician of the insane asylum to rent the buildings at Fort Steilacoom.

And that Messrs. Lasater, Brazee and Noyes have been appointed a committee of conference on disagreement of Houses on

C. B. No. 33—An act making an appropriation to meet the expenses incurred by the commissioners to locate the penitentiary of the Territory of Washington.

W. S. BAXTER,
*Chief Clerk.*

Mr. Foster moved that the Council concur in House amendments to

C. B. No. 35—An act relating to apportionment.

Motion lost.

On motion of Mr. Huntington,

A committee of Conference was requested on part of House to confer with a like committee on part of Council, relative to disagreement of Houses on amendments to C. B. 35.

The President appointed Messrs. Huntington, McReavy and O'Bryant as such committee on part of Council.

The following message was received from the House by their chief clerk:

HOUSE OF REPRESENTATVIES,
*November* 28, 1871.

MR. PRESIDENT—

I am instructed by the House to inform the Council of the passage of

H. B. No. 56—An act conferring upon boards of county commissioners certain powers in regard to swine.

And that the House has appointed Messrs. Kerns, McConaha and Brewer a committee of conference on disagreement of the Houses on C. B. No. 33.

W. S. BAXTER,
*Chief Clerk.*

On motion of Mr. Huntington,

H. B. No. 152—An act to authorize Wm. Simmons to take and hold the office of assessor in Clarke county, W. T.

Was next taken up.

On motion of Mr. Joslyn,

No objections being made, read second time now, by title, and

On motion of Mr. Joslyn,

Now was assigned as the time for the third reading of the bill.

Read third time, passed and title agreed to.

Message from the House by their Chief Clerk, in the following words:

HOUSE OF REPRESENTATIVES,
*November* 29, 1871.

MR. PRESIDENT—

I am instructed by the House to inform the Council of the passage of

H. B. No. 142—Substitute for C. B. 28, and H. B's 75, 99 and 129, an act for the relief of Giles Ford and others.

C. B. No. 13—An act defining the rights of persons and property as affected by marriage.

H. B. No. 79—An act to make perfect titles in Washington Territory.

H. B. No. 140—An act for the relief of L. L. Moore.

H. B. No. 116—An act to amend an act to provide for the assessing and collecting of Territorial and county revenue.

H. B. No. 146—An act for the protection of sheep in Island county.

H. B. No. 150—An act to provide for building a court house and jail in Clarke county.

H. J. M. No. 13—Relative to the reduction of the Yakima Indian reservation.

C. B. No. 37—An act authorizing the resident physician of the insane asylum to rent the buildings at Fort Steilacoom.

C. B. No. 33—An act making an appropriation to meet the expenses incurred by the commissioners to locate the penitentiary of the Territory of Washington.

H. B. No. 154—An act providing for the publication and distribution of certain laws.

An act for the protection of deer and other game, and to prevent trespassing with guns or dogs in Island county.

An act making the sheriff of Mason county assessor.

An act in relation to licenses.

W. S. BAXTER,
*Chief Clerk.*

On motion of Mr. O'Bryant,

The Council refused to concur in House amendments to

C. B. No. 31—An act to amend an act entitled "an act relating to county assessors.

The President appointed Messrs. Foster and Smith to confer with a like committee on part of House on disagreement of the Houses on said amendments to C. B. No. 31.

The following message was received from the House by their clerk:

HOUSE OF REPRESENTATIVES,
*November* 19, 1871.

MR. PRESIDENT—

I am instructed by the House of Representatives to inform the Council of the passage of

H. B. No. 120—An act to amend an act to provide for the assessing and collecting of Territorial and county revenue.

Also, that Messrs. Whetstone, Campbell and Grey have been appointed a committee of conference on C. B. 31.

W. S. BAXTER,
*Chief Clerk.*

H. B. No. 151—An act making the sheriff of Pierce county *ex-officio* assessor of said county.

On motion of Mr. Smith of Thurston,

Bill read first time.

No objections being made, bill read second time by title.

Mr. Smith moved to insert the word "Thurston" before "counties."

Motion carried.

On motion of Mr. Smith of Thurston,

Now was assigned as the time for the third reading of the bill.

Read third time by title, passed and title agreed to.

Substitute for H. B. No. 134—An act in relation to licenses.

On motion of Mr. Smith of Thurston,

Now was assigned as the time for third reading of the bill.

Bill read a third time, passed and title agreed to.

H. B. No. 147—An act for the protection of deer in Island and Clarke.

On motion of Mr. Calhoun,

Bill read first time.

No objections being made, bill was read second time now by title.

On motion of Mr. Calhoun,

Now was assigned as the time of third reading of the bill.

Bill read third time, passed and title agreed to.

H. J. M. No. 11—Relative to mail service from Puget Sound to be transmitted by rail and steamers via San Francisco.

On motion of Mr. Smith, of Thurston,

Memorial read first time.

No objections being made, memorial read second time now, by title, and

On motion of Mr. Foster,

Memorial read third time.

On the question of the final passage it was lost.

The following message was received from the House by their chief clerk:

HOUSE OF REPRESENTATIVES,
*November* 29, 1871.

MR. PRESIDENT—

I am instructed by the House to inform the Council of the withdrawal of the amendments to C. B. 33.

W. S. BAXTER,
*Chief Clerk.*

H. B. No. 133—An act to provide for the assessing and collecting of Territorial and county revenue,

On motion of Mr. Smith of Thurston,

Now was assigned as the time for the third reading of the bill.

Bill read a third time, passed and title agreed to.

The following message was received from the House by their chief clerk:

HOUSE OF REPRESENTATVIES,
*November* 29, 1871.

MR. PRESIDENT—

I am instructed by the House to inform the Council of the signing by the Speaker of the following:

H. B. No. 149—An act in relation to hogs in La Conner precinct, Whatcom county.

H. B. No. 40—An act in relation to the sheriffs of Pacific, Yakima, Kitsap, Skamania, Whatcom, Snohomish, Clalm and Stevens counties.

An act to allow bounty for killing certain animals.

H. B. No. 152—An act to authorize Wm. Simmons to take and hold the office of assessor in Clarke county, W. T.

W. S. BAXTER,
*Chief Clerk.*

On motion of Mr. Calhoun,

H. B. No. 146—An act for the protection of sheep in Island county,

Was read three several times, passed and title agreed to.

H. B. No. 56—An act conferring upon boards of county commissioners certain powers in regard to swine.

On motion of Mr. Foster,

Bill indefinitely postponed.

Message from the House by their chief clerk, in the words following:

HOUSE OF REPRESENTATIVES,
*November* 29, 1871.

MR. PRESIDENT—

I am instructed to request the Council to send to the House the original C. B. No. 35 as amended by the House.

W. S. BAXTER,
*Chief Clerk.*

H. B. No. 140—An act for the relief of L. L. Moore was,

On motion of Mr. Calhoun,

Read three several times, passed and title agreed.

H. B. No. 150—An act providing for the building of court house and jail in Clarke county.

On motion of Mr. Joslyn,

Read three times, passed and title agreed to.

H. B. No. 79—An act to make perfect titles to lands in Washington Territory.

On motion of Mr. Smith of Thurston,

Read three several times, passed and title agreed to.

On motion of Mr Foster,

Council took a recess until seven o'clock P. M.

ELWOOD EVANS,
*Chief Clerk.*

---

## EVENING SESSION.

COUNCIL CHAMBER,
*Wednesday, November* 29, 1871,
7 O'CLOCK P. M.

Council met pursuant to adjournment.

Mr. President in the chair.

Roll called.

Present—Messrs. Calhoun, Foster, Huntington, Joslyn, McReavy, O'Bryant, Smith of Thurston, Stewart, and Mr. President.

Mr. Calhoun moved to reconsider the vote by which Council refused to concur in House amendments to

C. B. No. 35—An act relating to apportionment.

On this motion the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Calhoun Foster, McReavy and O'Bryant—4.

Those voting in the negative were

Messrs. Huntington, Joslyn, Stewart, Smith and Mr. President—5.

Mr. Smith moved to take from the table C. B. 41.

Upon which motion the ayes and nays were demanded with the following result:

Those voting in the affirmative were

Messrs. Huntington, Joslyn, Stewart, Smith of Thurston, and Mr. President—5.

Those voting in the negative were

Messrs. Calhoun, Foster, McReavy and O'Bryant—4.

Motion carried.

The following message was received from the House by their chief clerk:

HOUSE OF REPRESENTATIVES,
*November* 29, 1871.

MR. PRESIDENT—

I am instructed by the House to inform the Council of the passage in the House of the following:

C. B. No. 40—An act making the sheriff of Mason county county assessor.

Also that the House has concurred in the amendment made by the Council to

H. B. No. 147—*An act for the preservation of deer and other game, and to prevent trespassing with guns or dogs.*

Also that the Speaker of the House of Representatives has signed

An act in relation to the location of the county seat of Klikitat county.

W. S. BAXTER,
*Chief Clerk.*

Mr. Smith offered an amendment to the said C. B. 41.

Mr. Joslyn moved the adoption of the amendment, upon which motion the ayes and noes were called with the following result:

Those voting in the affirmative were—

Messrs. Huntington, Joslyn, Stewart, Smith and Mr. President—5.

Those voting in the negative were—

Messrs. Calhoun, Foster, McReavy and O'Bryant—4.

Amendment adopted.

Mr. Smith moved that the bill be read a third time, now.

Mr. Calhoun objected and protested against the third reading of the bill without a suspension of the rules.

The President decided the third reading of the bill now in order.

Upon the question of the third reading of the bill, the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Huntington, Joslyn, Stewart, Smith of Thurston and Mr. President—5.

Those voting in the negative were

Messrs. Calhoun, Foster, McReavy and O'Bryant—4.

Bill read third time.

On the final passage of the bill the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Huntington, Joslyn, Stewart, Smith and Mr. President—5.

Those voting in the negative were

Messrs. Calhoun, Foster, McReavy and O'Bryant—4.

So the bill passed.

Mr. Smith moved to amend the title of the bill by striking out the word "Snohomish" and inserting the word "Thurston" in lieu thereof.

Motion carried.

Mr. Smith moved that the clerk be instructed to report forthwith the passage of said C. B. No. 41 to the House of Representatives.

Motion carried.

The clerk was instructed to report forthwith to the House such action by the Council.

H. B. No. 153—An act for the relief of W. S. Baxter.

On motion of Mr. McReavy,

Bill read first time.

No objection being made, bill read a second time, by title.

Mr. Calhoun moved to amend by inserting the name of Elwood Evans after the name of W. S. Baxter.

Motion carried.

Mr. Smith moved to further amend by adding the names of J. M. Hays and Nathan S. Porter for the sum of twenty-five dollars each for extra services rendered necessary by the illness of the chief clerk.

Motion to amend carried.

Mr. McReavy moved to further amend by striking out the words "not otherwise appropriated."

Motion to amend carried.

On motion of Mr. Foster,

Read third time by title, passed and title agreed to.

The clerk was instructed to inform the House of the same.

The following message was received from the House by their clerk:

HOUSE OF REPRESENTATIVES,
*November* 29, 1871.

MR. PRESIDENT—

I am instructed by the House to inform the Council that the House does not concur in Council amendments to

H. B. No. 153—An act for the relief of William S. Baxter.

W. S. BAXTER,
*Chief Clerk.*

The President gave notice that he was about to sign the following:

H. B. No. 142—Substitute for C. B. 28, and H. B's 75, 99 and 129, an act for the relief of Giles Ford and others.

C. B. No. 13—An act defining the rights of persons and property as affected by marriage.

H. B. No. 79—An act to make perfect titles in Washington Territory.

H. B. No. 140—An act for the relief of L. L. Moore.

H. B. No. 116—An act to amend an act to provide for the assessing and collecting of Territorial and county revenue.

H. B. No. 146—An act for the protection of sheep in Island county.

H. B. No. 150—An act to provide for building a court house and jail in Clarke county.

H. J. M. No. 13—Relative to the reduction of the Yakima Indian reservation.

C. B. No. 37—An act authorizing the resident physician of the insane asylum to rent the buildings at Fort Steilacoom.

C. B. No. 33—An act making an appropriation to meet the expenses incurred by the commissioners to locate the penitentiary of the Territory of Washington.

H. B. No. 154—An act providing for the publication and distribution of certain laws.

H. B. No. 149—An act in relation to hogs in La Conner precinct, Whatcom county.

H. B. No. 40—An act in relation to the sheriffs of Pacific, Yakima, Kitsap, Skamania, Whatcom, Snohomish, Clallm and Stevens counties.

An act to allow bounty for killing certain animals.

H. B. No. 152—An act to authorize Wm. Simmons to take and hold the office of assessor in Clarke county, W. T.

The following message was received from the House by their chief clerk:

HOUSE OF REPRESENTATIVES,
*November* 29, 1871.

MR. PRESIDENT—

I am instructed by the House to inform the Council of the passage by the House of the following:

H. J. R. No. 15—That the two Houses meet in joint convention in the House of Representatives, at 9 o'clock P. M., Nov. 29, 1871, to elect a Territorial school superintendent.

W. S. BAXTER,
*Chief Clerk.*

On motion of Mr. Stewart,

H. B. No. 120—An act to amend an act to provide for the assessing and collecting of Territorial and county revenue.

Was next taken up.

On motion of Mr. Stewart,

Bill read first time.

Objection being made to its second reading it was laid on the table.

On motion of Mr. Foster,

The bill was referred to the committee on Counties.

H. B. No. 150—An act for the relief of H. R. Hatch.

On motion of Mr. Huntington,

Bill read second time.

On motion of Mr. Foster,

Now was assigned as the time for third reading of the bill.

Bill read third time, passed and title agreed to.

Message from the House by their Chief Clerk, in the following words:

HOUSE OF REPRESENTATIVES,
*November* 29, 1871.

MR. PRESIDENT—

I am instructed by the House to inform the Council of the passage of

H. J. R. No. 16—Requiring Territorial officers to file bonds within 20 days after the passage of this resolution.

W. S. BAXTER,
*Chief Clerk.*

On motion of Mr. Smith of Thurston,

C. B. No. 7—An act to authorize married women to transact business in their own names as sole traders.

Was taken from the table.

On motion of Mr. Stewart,

Now was assigned as the time for the third reading of the bill.

Bill read third time, passed and title agreed to.

H. J. R. 15—Relative to a joint convention to elect Territorial school superintendent.

*Resolved by the House, the Council concurring,* That the two Houses meet in joint convention in the House of Representatives, at 9 o'clock P. M. of November 29, 1871, to elect a Territorial school superintendent.

On motion of Mr. Smith of Thurston,

Resolution read first time.

No objections being made, resolution read second time.

On motion of Mr. Joslyn,

Now was assigned as the time for the third reading of the resolution.

Resolution read a third time and passed.

The following message was received from the House by their chief clerk:

HOUSE OF REPRESENTATIVES,
*November* 29, 1871.

MR. PRESIDENT—

I am instructed by the House to inform the Council of the signing by the Speaker of the following:

An act to change the representation of the Council district composed of the counties of Clarke, Cowlitz, Wahkiakum and Pacific, and assigning the Representation for the House of Rep-

resentatives in the counties of Clarke, Skamania, Chehalis, King and Snohomish.

H. J. R. No. 15—Relative to joint convention to elect Territorial school superintendent.

H. J. R. No. 16—Requiring Territorial officers to file bonds within twenty days.

H. B. No. 150—An act for the relief of H. R. Hatch.

H. J. R. No. 12—Relative to the incorporation of Port Townsend.

W. S. BAXTER,
*Chief Clerk.*

On motion of Mr. Smith of Thurston,

The President appointed a committee of conference, consisting of Messrs. Smith and O'Bryant, to confer with a like House committee on the non-concurrence of the House in Council amendments to H. B. No. 153.

Message from the House by their chief clerk, in the words following:

HOUSE OF REPRESENTATIVES,
*November* 29, 1871.

MR. PRESIDENT—

I am instructed to report that Messrs. Cock, Hovey and Cline have been appointed a committee of conference on disagreement of Houses on H. B. No. 153.

W. S. BAXTER,
*Chief Clerk.*

H. J. R. No. 16—Requiring Territorial officers to give bonds within twenty days.

Resolution read first time.

*Resolved by the House, the Council concurring,* That all Territorial officers shall file bonds as required by law, within twenty days after the passage of this resolution, and any officer failing to do so shall be removed by the Governor.

On motion of Mr. Foster,

Rules were suspended and resolution read a second time by title.

On motion of Mr. McReavy,

The rules were further suspended, resolution read third time and passed.

## JOINT CONVENTION.

On motion of Mr. Joslyn,

The Council proceeded to the hall of the House of Representatives.

The President of the Council in the chair.

On calling the roll the following members answered to their names:

*On part of Council*—Messrs. Calhoun, Huntington, Joslyn, McReavy, O'Bryant, Smith and the President.

Absent—Messrs. Foster and Stewart.

*On part of House*—Messrs. Abbott, Brazee, Bigelow, Brewer, Cock, Campbell, Coupe, Cline, Finkbonner, Gray, Gosnell, Hovey, Judson, Kerns, Lasater, Maxon, Moore, McConaha, Noyes, Ping, Winans, Whetstone and Mr. Speaker.

Absent—Messrs. Ashpaugh, Barstow, Lloyd, Hinckley, Maxwell, Scott and Sinclair.

The President announced a quorum being present, the convention would now proceed to the election of a Territorial superintendent of schools.

Thereupon Mr. Bigelow placed in nomination Nelson Rounds.

Mr. Judson placed in nomination Thos. M. Reed.

On motion of Mr. Smith of Thurston,

The candidates were voted for *viva voce*.

The following is the vote:

Those voting for Nelson Rounds were—

*Of the Council*—Messrs. Calhoun, Huntington, Joslyn, McReavy, Smith and the President—6.

*Of the House of Representatives*—Messrs. Bigelow, Cock,

Campbell, Coupe, Finkbonner, Hovey, Kerns, Maxon, McConaha, Winans and the Speaker—12.

Those voting for Thos. M. Reed were—

*Of the Council*—Mr. O'Bryant.

*Of the House of Representatives*—Messrs. Abbott, Brazee, Cline, Gray, Gosnell. Judson, Lasater, Moore, Noyes, Ping, Whetstone—11.

Whole number of votes cast, 30.

Necessary to a choice, 16.

Nelson Rounds received 18 votes.

Mr. Rounds having received a majority of all the votes cast, was declared duly elected Territorial superintendent of schools.

The convention having finished the business for which it was convened,

On motion of Mr. Lasater,

The joint convention adjourned.

The Council then repaired to its hall.

Mr. President in chair.

Message from the Governor by his private secretary, as follows:

TERRITORY OF WASHINGTON,
EXECUTIVE OFFICE,
*Olympia, November* 29, 1869.

HON. H. A. SMITH,

*President of the Council of the Legislative Assembly of Washington Territory:*

*Sir*—I have the honor to inform you that I have approved the following entitled bills:

C. B. No. 33—An act making an appropriation to meet the expenses incurred by the commissioners to locate the penitentiary of the Territory of Washington.

C. B. No. 37—An act authorizing the resident physician of the insane asylum to rent the buildings at Fort Steilacoom,

An act to change the boundaries of Cowlitz and Clarke counties.

An act relative to the location of the county seat of Klickitat county.

An act making the sheriff of Mason county assessor of that county.

An act defining the rights of persons and property as affected by marriage.

I am sir,

Very respectfully,

Your obedient servant,

EDWARD S. SALOMON,

*Governor Washington Territory.*

Mr. Stewart moved to adjourn until 10 o'clock to-morrow morning.

Motion lost.

Mr. Stewart moved to take from the table

C. J. R. —Relative to frauds committed by certain Territorial officers.

Motion carried.

On motion of Mr. Stewart,

The rules were suspended and the resolution was read second time.

On motion of Mr. Stewart,

The rules were further suspended and the resolution read third time and passed.

The following message was received from the House by their clerk:

HOUSE OF REPRESENTATIVES,
*November* 29, 1871.

MR. PRESIDENT—

I am instructed by the House of Representatives to inform the Council of the passage of

H. B. 180—Substitute for H. B. 153, as amended by committee of conference.

An act the relief of the chief clerks and assisstant clerks of the House and Council

W. S. BAXTER,
*Chief Clerk.*

Substitute for H. B. 153—An act for the relief of the clerks of the Legislative Assembly.

On motion of Mr. McReavy,

Bill read first time.

On motion of Mr. O'Bryant,

The rules were suspended and the bill was read second time.

On motion of Mr. McReavy,

The rules were further suspended and bill was read third time, passed and title agreed to.

Mr. McReavy introduced the following resolution:

*Resolved*, That the thanks of this Council are due and are hereby tendered to the officers of the Council for the efficient manner in which they have performed their respective duties.

On motion of Mr. McReavy,

The resolution was unanimously adopted.

The following message was received from the House by their chief clerk:

HOUSE OF REPRESENTATIVES,
*November* 29, 1871.

MR. PRESIDENT—

I am instructed by the House to inform the Council that the Speaker has signed the following:

An act for the relief of clerks of House and Council.

And that the House has passed resolution relative to frauds upon the Territorial treasury.

W. S. BAXTER,
*Chief Clerk.*

On motion of Mr. Smith of Thurston,

The report of the committee of conference on

C. B. No. 2—An act providing for the appointment of a resident physician for the insane asylum and prescribing his duties, was adopted.

On motion of Mr. Smith of Thurston,

The clerk was instructed to report the adoption of the report forthwith to the House of Representatives.

The President announced that he was about to sign the following:

An act for the relief of clerks of House and Council.

Message from the Governor by his private secretary, as follows:

TERRITORY OF WASHINGTON,
EXECUTIVE OFFICE,
*Olympia, November* 29, 1869.

HON. H. A. SMITH,
*President of the Council of the Legislative Assembly of Washington Territory:*

SIR: I have the honor to return to you Council bill entitled

An act to change the representation of the Council district composed of the counties of Clarke, Cowlitz, Wahkiakum and Pacific, and assigning the Representation for the House of Representatives in the counties of Clarke, Skamania, Chehalis, King and Snohomish.

The apportionment provided for in this bill seems to me unjust, and would deprive some of the citizens of the Territory of the representation they are entitled to.

If the bill had been submitted to me earlier in the session, I would have been able to give it a more careful examination; as it is, I have to return the bill to the Council, where it originated, without my approval.

I am sir,
Very respectfully,
Your obedient servant,
EDWARD S. SALOMON,
*Governor Washington Territory.*

On motion of Mr. Smith of Thurston,

Council adjourned until to-morrow morning at 10 o'clock.

ELWOOD EVANS,
*Chief Clerk.*

COUNCIL CHAMBER,
*Thursday, November* 30, 1871.

Council met pursuant to adjournment.

Mr. President in the chair.

On calling the roll the following members answered to their names:

Messrs. Calhoun, Foster, Huntington, Joslyn, McReavy, O'Bryant, Smith of Thurston, Stewart and Mr. President.

Prayer by the Chaplain.

Journal of Wednesday read and approved.

The following message was received from the Governor by his private secretary:

TERRITORY OF WASHINGTON,
EXECTIVE OFFICE,
*Olympia, November* 30, 1871.

HON. H. A. SMITH,
*President of the Council of Washington Territory:*

SIR: I have the honor to inform you that I have approved the following entitled bills:

C. B. No. 33—An act making an appropriation to meet the expenses incurred by the commissioners to locate the penitentiary of the Territory of Washington.

An act making the sheriff of Mason county assessor of that county.

I am sir,
Very respectfully,
Your obedient servant,
EDWARD S. SALOMON,
*Governor of Washington Territory.*

Mr. Smith, chairman committee on Conference, made the following report:

MR. PRESIDENT—

Your committee of Conference to whom was referred House disagreement to Council amendment to H. B. No. 4, an act in

relation to ballast, report that they have agreed to recommend that the House concur in said amendment.

E. L. SMITH,
*Chairman.*

Mr. McReavy from the committee on Enrolled Bills, made the following report:

MR. PRESIDENT—

Your committee have compared and find correctly enrolled the following:

C. B. No. 2—An act providing for the appointment of a resident physician for the insane asylum and prescribing his duties.

JOHN McREAVY,
*Chairman.*

The following message was received from the House by their clerk:

HOUSE OF REPRESENTATIVES,
*November* 30, 1871.

MR. PRESIDENT—

I am instructed by the House to inform the Council that the House has concurred in Council amendments to H. B. No. 4, an act in relation to ballast.

Also that the Speaker of the House of Representatives has signed

C. B. No. 2—An act providing for the appointment of a resident physician for the insane asylum and prescribing his duties.

W. S. BAXTER,
*Chief Clerk.*

The President gave notice that he was about to sign the following:

H. B. No. 4—An act prescribing the penalty for the discharge of ballast into the navigable waters of this Territory.

C. B. No. 2—An act for the appointment of a resident physician for the insane asylum and prescribing his duties.

The following message was received from the House by their chief clerk:

HOUSE OF REPRESENTATIVES,
*November* 30, 1871.

MR. PRESIDENT—

I am instructed by the House to inform the Council of the signing by the Speaker of the following:

H. J. M. No. 6—Praying for mail service from Port Townsend to Coupeville, *via* Ebey's landing.

H. B. No. 92—An act relating to the county auditors of Island and Snohomish counties.

H. B. No. 73—An act to authorize the county commissioners of Kitsap county to transcribe the records of said county.

An act conferring upon boards of county commissioners certain powers in regard to highways.

An act in relation to ballast.

W. S. BAXTER,
*Chief Clerk.*

The President gave notice that he was about to sign the following:

H. B. No. 92—An act relating to county auditors of Island and Snohomish counties.

H. B. No. 73—An act authorizing the county commissioners of Kitsap county to transcribe the records of said county.

An act conferring upon boards of county commissioners certain powers in regard to highways.

An act in relation to ballast.

Memorial praying for mail service from Port Townsend to Coupeville.

The following message was received from the Governor by his private secretary:

TERRITORY OF WASHINGTON,
EXECUTIVE OFFICE,
*Olympia, November* 30, 1871.

HON. H. A. SMITH,
*President of the Council of the Legislative Assembly of Washington Territory:*

*Sir*—I have the honor to inform you that I have approved the following entitled bill:

C. B. No. 30—An act authorizing the Territorial auditor to cancel certain delinquent Territorial tax charged against Mason county.

I am sir,

Very respectfully,

Your obedient servant,

EDWARD S. SALOMON,

*Governor of Washington Territory.*

On motion of Mr. Smith of Thurston,

The Council adjourned *sine die.*

ELWOOD EVANS,

*Chief Clerk.*